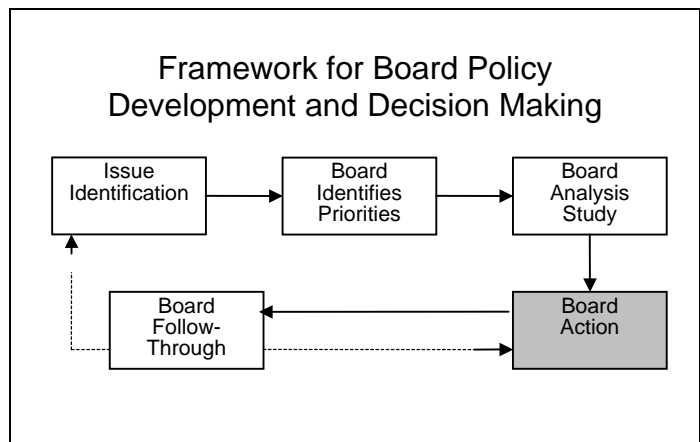


Iowa State Board of Education

Executive Summary

November 15, 2006



Agenda Item: State Board Operating Guidelines

Iowa Goal(s): All

Equity Impact Statement: The State Board's work is designed to support quality education for all students.

Presenter(s): Gail Sullivan, Chief of Staff

Attachments: 1

Recommendation: It is recommended that the State Board approve the Operating Guidelines.

Background: In June of 2005, State Board members started the process of revising the State Board Operating Guidelines. This process was continued throughout the year by the Board Development Committee (Wayne Kobberdahl, Sr. Jude Fitzpatrick and Sally Frudden) with periodic reviews by the entire Board. The committee members have finished their work and this draft is being brought back to the Board for final review and approval. Changes made since the last time you reviewed this document (in May 2006) are highlighted in color.

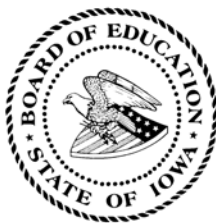
NOTE: Only the operating guidelines are attached. For the entire document, including the appendices, please refer to Tab M in your September 2006 State Board notebook.

IOWA STATE BOARD OF EDUCATION

Operating Guidelines

Review and Revision – Working Document

(Continuation of the revision process started
at the State Board Retreat – June 2005)



DRAFT

November 2006

State of Iowa
Department of Education
Grimes State Office Building
Des Moines, Iowa 50319-0146

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Preface

This document contains operational guidelines for the internal management of the Iowa State Board of Education. The purpose of these operating guidelines is to provide the members of the State Board with a reference to assist them in performing their statutory duties and responsibilities. These guidelines are designed to:

- A. Provide newly appointed board members with a quick overview of the role of the board, helping them understand the scope of their duties and responsibilities.
- B. Enable the board to effectively carry out its leadership role as educational advocates and policy-makers, ensuring that policies exist that promote educational quality throughout the state.
- C. Provide for the smooth and efficient operation of meetings.
- D. Outline board officer duties and procedures for electing board officers.
- E. Address interaction among board members, internal board relationships and board/department relationships.
- F. Outline the board's decision-making process.
- G. Address effective and open communication and handling of public concerns.
- H. Address opportunities for board development.
- I. Ensure accountability through an orderly process of planning and goal setting.

Operating Guideline #1 – Mission

The mission of the State Board of Education is to champion excellence in education through superior leadership and service. The board is committed to high levels of learning, achievement and performance for all students, so they will become successful members of their community and the workforce.

In addition to working to accomplish this mission, which is included in the State Board's strategic plan "*Education is Iowa's Future*," board members perform the duties and responsibilities mandated in section 256.7 of the Code of Iowa and outlined in "Legal Authority of Iowa State Board of Education" (Appendix A) in order to meet the education needs of the people of the state. The focus is providing access to quality education for all students.

In striving to achieve this mission the State Board has adopted the following guiding principles:

- All students can learn.
- Students respond best to high expectations.
- All students must feel safe and respected at school.
- Educators need ongoing support and professional development to improve student achievement.
- Local schools, communities and families have the primary responsibility for improving student performance.
- The primary roles of the state are to help communities meet the learning needs of all their students and to assure that the educational welfare of students is protected.
- Leadership decisions will be data-driven.
- A quality education system is essential to a sound economy.

General Guidelines for Board Members:

- A. Within the realm of mandated authority, the board shall seek to find ways to meet the educational needs of all of the people of the state.
- B. Each board member is free to appropriately express his/her own beliefs about quality education and has the responsibility to share such beliefs with other board members. If a board member is advocating an individual position that is not an officially adopted board position, the position shall be clearly identified as such. If releasing an individual statement that is not an officially adopted board position, that statement shall not be issued on State Board letterhead.
- C. Each board member assumes the responsibility of doing what is in the best interests of all citizens in need of education.

- D. In addressing policy the board will think long-term, focusing on future educational needs, as well as current needs.
- E. The board and director will work together toward the accomplishment of this mission.
- F. In addition, the board will collaborate with organizations and stakeholders that have a shared mission, and will explore partnerships and build coalitions designed to further their mission.

Operating Guideline #2 – Organizational Meeting and Orientation of New Members

A well-defined and understood organizational structure and related procedures are essential to the proper functioning of the board.

General Guidelines for Board Members:

- A. The organization of the board shall occur at the regular May meeting of even numbered years. Election of officers shall be included as an agenda item for that meeting.
- B. Officers for the board shall be president and vice-president. The department director shall serve as chief executive officer and a department staff member will serve as recording secretary.
- C. The director serves as temporary chairperson at the organizational meeting until the president is elected. Each board member may place one name in nomination for president. Candidates will be given an opportunity to decline before their names are placed before the board for an election. A roll call vote will be taken. The secretary shall record the votes. The same process for the election of vice-president will be repeated during the meeting. The two elective positions (president and vice-president) shall be filled in the order listed.
- D. The term of office for each elective position shall be two years, with no limit as to the number of terms any one individual may serve.
- E. If the presidency becomes vacant during a term of office, the vice-president shall automatically fill the vacancy and a replacement for the vice-president shall be elected at the next regular meeting of the board.
- F. Duties of the president shall be as follows:
 - 1. Work with the department director to develop meeting agendas.
 - 2. Preside at board meetings.
 - 3. Appoint all board committees.
 - 4. Form new committees as the need arises.
 - 5. Properly instruct all assigned committee members as to the duties, responsibilities, scope and term of the assignment.
 - 6. Work closely with the director and appropriate staff to ensure proper liaison between the board and the department.
 - 7. Attend outside meetings and functions as needed.

8. Provide effective board leadership and direction.
9. Assign members of the board to serve as representatives of the board to external groups and organizations.
10. Call special meetings as needed.
11. Approve and sign the minutes of all regular and special meetings of the board and other documents as may be required by law.
12. Have the same prerogative to vote on matters before the board as the other members.
13. Perform such other duties as may be prescribed by law or by action of the board.

G. Duties of the Vice-president shall be as follows:

1. Perform the duties of the president during his/her absence.
2. Fill a presidential vacancy if such occurs during a term of office.
3. Assume other responsibilities as assigned by the president.

H. Removal of a board member from office:

Board members may be removed from office in accordance with Iowa Code Section 66.1A (Appendix B)

I. Orientation of New Members

The board, assisted by the director of the Department of Education, shall orient each new member concerning the board's functions, general policies, administrative rules and procedures as soon as reasonably possible.

1. The appointee shall be given selected material to assist in orienting him/her to the work of the board.
2. The appointee shall be given selected material to familiarize him/her with relevant provisions of state government, including the gift law (Iowa Code Sections 68B.21 and 68B.22, Appendix C).
3. Prior to taking office, the appointee may be invited to attend board meetings.
4. The director of the Department shall supply reference material pertinent to PreK-12 education and community college education.
5. The incoming appointee shall be invited to meet the director and other administrative personnel to discuss operations of the Department.
6. Orientation will be a structured process occurring over time and new board members will be directed to resources so they can do additional exploration on their own.

7. Current board members may attend orientation sessions.
8. Each board member will be assigned a mentor for an unspecified amount of time.

J. Leadership

The State Board, the director of the Department of Education and the department staff shall provide leadership and direction for future educational development in this state. In so doing they will:

1. Work toward the procurement of adequate resources to support educational improvement.
2. Communicate high levels of support, commensurate with available resources, for new programs within the state which are aimed at increasing and/or improving the learning opportunities of all of our citizens.
3. Make every effort to form strong alliances with all parties interested in the development of a comprehensive education system.
4. Remain current in their knowledge of or seek appropriate counsel on the provisions of the School Laws and School Rules of Iowa.
5. Make every effort to be present and participate in meetings in order to be informed and engaged in decision-making. (See Appendix D – Code requirement for board attendance.) Board members should be in attendance at all meetings and that attendance (including late arrivals and early departures) will be documented in the Minutes. Inconsistent attendance will be brought to the individual's attention by the board president. Attendance policies shall be covered during new board member orientation.

Operating Guideline #3 – Meeting Procedures

Board meetings shall be conducted in an open and orderly fashion. Tentative agendas and supportive information will be openly publicized in advance of the meeting to encourage meaningful dialogue. Timetables will be established and followed to the greatest degree possible in addressing agenda items. The president shall be provided with appropriate procedures and authority to maintain an orderly process at all times.

General Guidelines for Board Members:

A. Agendas

1. Robert's Rules of Order shall guide the operational meeting procedures.
2. Board meeting agendas will be developed cooperatively between the board president and director.
3. Individual board members may suggest an item for inclusion on the agenda by conferring with the president and the director.
4. A tentative agenda and supporting information will be sent to each board member one week in advance of the meeting.
5. Tentative agendas will be organized generally as follows: call to order, adoption of the agenda, public comment, consent items (including approval of minutes), action items, discussion items, report items, and adjournment.
6. Once a formal agenda is adopted, it shall remain unchanged except for moving an item to a different position on the agenda to facilitate the proper handling of the item.
7. Items listed under the consent agenda will be considered to be routine and will be acted on by the board in one motion. There will be no discussion of these items prior to the vote unless a member of the board, the staff, or the public requests specific items to be discussed and/or removed from the consent agenda. It is understood that the director recommends approval on all consent items. In the absence of discussion, each item on the consent agenda approved by the board shall be deemed to have been considered in full and adopted as recommended.

B. Public Participation

1. In order to assist the president, persons who wish to address the board should fill out a card which is provided at the door. The person's name and the subject of his or her remarks should be noted. These should be given to the board secretary prior to the meeting.
2. There is specific time set aside at each meeting for public communication to the board. As a general guideline, a limit of five minutes will be allotted for any presentation made under the public comment agenda item. If a large group of individuals requests to address a specific issue, the president may limit the number of speakers. At that time, members of the public may present comments, suggestions or concerns, even if they do not relate to a specific item on the agenda. Remarks by board members should be limited to requests for further information, as any issue not on the agenda might necessitate staff research and may need to be placed on a subsequent agenda before the board takes action.
3. If an issue raised during the public comment section will require the preparation of an agenda item, it will be referred to the director of the Department of Education for such preparation and the person raising the issue will be informed of the meeting when it will appear on the agenda.
4. When the stated subject of public comment is on the agenda, the speaker may be heard either at the time stated on the agenda for public comment or at the time the agenda item is discussed by the board, to be determined at the discretion of the president of the board. When addressing the board, each speaker should begin by stating his/her name and whom they are representing. This helps to insure that the meeting minutes will accurately reflect an individual's or an association's position on a particular issue. If a large group of persons wishes to address a given agenda item, the president may propose the amount of time allotted to address the issue.

C. Appeal Decisions

1. Appeals brought before the board shall be handled in accord with provisions in chapter 290 (Appendix E) and section 256.7 (6) of the Code of Iowa (Appendix A).
2. To facilitate the handling of such appeals, the board will usually delegate the actual hearing to the director or his/her designee. The board may review the record of such an appeal. The board shall review the proposed decision. After proper review, the board may affirm, modify or vacate the proposed decision or may direct a rehearing.
3. An adversely affected party may appeal the administrative law judge's proposed decision to the State Board. The parties may file briefs and may request an opportunity for oral arguments. If permission is granted to either or both parties of an appeal for oral argument to the board after an appeal hearing is held (see Appendix K), no new evidence may be presented prior to the board's decision.
4. Questions may be asked about information that is on the record. Board discussion should not seek the presentation of new evidence.
5. If an individual board member is ever contacted by individuals or parties to an appeal prior to reaching a decision on the appeal, the board member shall immediately inform the party that such contact is inappropriate and can prejudice the appeal. The board member shall report the contact to the director, and shall use discretion as to whether or not abstention from voting on the appeal decision is necessary or advisable.

D. State Board Member Reports

1. It shall be the responsibility of any board member serving in a special assignment capacity to keep the other members informed on developments related to the special assignment. Board members should prepare written reports which will be included with board meeting materials.
2. Some assignments may require the board to take action on a specific issue. The member on special assignment should be prepared to recommend what he/she thinks the appropriate actions should be, if called to do so.
3. Board reports should be informative, yet concise.

E. Administrative Rules

The State Board of Education adopts rules and regulations in many education-related areas prescribed by law or legislative directive. Section 281 is designated as the agency identification number of the administrative code for the State Board's rules and regulations. An administrative rule, duly adopted, has the effect of law.

The process for rule adoption is as follows:

1. The board, assisted by the director, may propose rules and regulations as a result of direction from the General Assembly, or as a result of its own evaluation of need provided the board has statutory authority.
2. Proposed rules and regulations will be drafted by Department of Education staff for the board with the assistance of legal counsel.
3. Once drafted, rules and regulations will be presented to the board for a first review and filing of a notice of intended action. The purpose of the first reading is to provide information to the board. A public hearing is scheduled prior to adoption of the rules.
4. When the board has adopted rules and regulations, they will be filed with the administrative rules coordinator and the Code Editor and become effective thirty-five days thereafter unless emergency adoption is required or unless a later effective date is provided for in the rule(s).
5. Further rule procedures are included in Appendix F.

F. Member Participation

Free and open discussion by all board members is needed for decision-making.

G. Voting

1. All voting members of the board may vote on all matters coming before them for consideration. All members of a committee may vote on all matters coming before the committee for consideration.
2. No member may vote by proxy.
3. Voting by the board and its committees shall be by voice unless a record vote is requested by a member, in which case the vote shall be taken as requested.

4. A majority of those present and voting shall be necessary to carry a motion before the board or a committee.
5. On any issue not requiring a roll call vote, the vote of the members of the board shall be recorded either as a unanimous vote or by identifying the members taking each position. Each member of the board is encouraged to express an opinion by voting on each issue before the board. A member may abstain from voting and the abstention will be recorded.
6. When a potential conflict of interest exists, the board member concerned is encouraged to state the nature of the potential conflict prior to taking any official action. Such conflict shall be recorded in the board minutes. (See Appendix G.)
7. The majority vote shall decide the issue and that shall become the official position of the board. An issue that has been voted on by the board may be brought back for reconsideration either when the president agrees to place the issue on the agenda or, failing that, when a majority of the board members request a review.

H. Director of Education

The director is responsible for exercising general supervision over the state system of public education and nonpublic schools to the extent that it is necessary to ascertain compliance with provisions of the Iowa Code and Administrative Rules. The director performs the function of executive officer of the State Board of Education. (See Appendix H for Iowa Code Section 256.9 "Duties of Director".)

I. Kinds of Meetings

All meetings of the board shall comply with the open meetings law (Appendix I). The board may conduct the following kinds of sessions:

1. Regular meeting – regularly scheduled meeting.
2. Special meeting – meeting that may be called at any time, with concurrence of a majority of the State Board.
3. Work session – any meeting or part of a meeting scheduled to consider special board projects and information items.
4. Annual retreat – a meeting for reflection, goal setting, priority setting, and board development activities.
5. Executive session – any meeting or part of a meeting that is closed to certain persons for deliberation on certain matters as specified in the public meetings law. All persons not essential to the discussions may be excluded. Generally, no final action shall be taken or any decision made while in executive session.

6. Telephone conference meeting – a meeting conducted by telephone ~~to deal with specific, limited, necessary matters~~. In compliance with the public meetings law, members of the press or public must be permitted access, either in the facilities of the Iowa Department of Education or by telephone. The individuals allowed access must pay any actual additional expenses necessitated by public access to the conference call.
7. Electronic meeting – a regularly scheduled meeting or a special meeting to deal with specific, limited necessary matters, held over the Iowa Communications Network (ICN) or via other electronic means.

Operating Guideline #4 – Interaction within the Board

Candid and respectful interaction among all members is essential if the board is to meet its desired goals. Each member of the board must share the responsibility of developing a positive, interactive environment. Consensus building should be an ongoing group objective.

General Guidelines for Board Members:

- A. Each board member will remain receptive to divergent views of other members.
- B. The democratic process shall be used in making board decisions. The majority vote shall decide the issue and that shall become the official position of the board. Once an issue is resolved and the resolution action complete, then the matter is dropped. An issue that has been voted on by the board may be brought back for reconsideration either when the president agrees to place the issue on the agenda or, failing that, when a majority of the board members request a review.
- C. Board members must be willing to compromise in order to arrive at a consensus.
- D. Should concerns about another board member arise, the person with the concern should share their views with the individual privately.
- E. If a resolution of the concern is not reached between the two board members, a mutual plan of action will be developed to encourage resolution of the issue.

Operating Guideline #5 – Decision Making

A well-defined and clearly understood process is needed if orderly and effective decisions are to be made by the board in a timely manner. When a decision has been made, it will be the official position of the board.

General Guidelines for Board Members:

The director will use the following procedure to assist the board in the decision-making process:

- A. Clearly define the issue under consideration.
- B. Determine that the issue is appropriate for board consideration – that it aligns with the board's strategic plan, relates to board priorities, and/or the board has statutory authority.
- C. See that the issue is presented to the to the board in a timely manner.
- D. Review all pertinent facts concerning the situation.
- E. Receive input from parties affected by the decision.
- F. Organize and analyze collected data.
- G. Develop multiple solutions including, where applicable, a cost estimate.
- H. Present solutions to the board with a recommendation and rationale.
- I. Provide a plan for implementation and for ongoing monitoring and evaluation. This plan may include a timeline for bringing the issue back to the board for further consideration.
- J. Communicate the decision to those affected.

Operating Guidelines #6 – Special Assignments for Board Members

As a general practice the board shall operate as a “committee of the whole.” However, there are numerous circumstances which are not conducive to this arrangement and committee assignments will be made by the president and/or director. Situations dictating the need for such assignments shall include, but not be limited to:

- A. Membership on established committees, task forces, study groups, etc., where membership is mandated by the Code, administrative rules, or other organizational orders.
- B. Membership on special study committees or task forces established by the board president and/or director or other governmental or agency officials.
- C. Attendance at various types of meetings when it is requested by the board, board president or director.
- D. Any other circumstance where it is impractical for the board to meet as a whole, yet board representation is needed.
- E. Assignments may fall into either of two categories – standing or Ad Hoc.

General Guidelines for Board Members:

- A. In making such assignments the president and/or director shall give consideration to the background, interests, experience, availability and accessibility of the assignee(s). Consideration will also be given to gender balance, and to balancing these assignments among members of the board.
- B. Assignments, when appropriate, shall be accompanied by an explanation of the purpose, responsibility, charges and granted authority.
- C. Each assignment will carry a clearly specified length of service, to be determined by the board president.

- D. Board members, in accepting an assignment to a task force or commission, should provide interim progress reports at the appropriate time and a final report to the board when the assignment is completed. Written reports from board members are encouraged and may be included in the board notebook.
- E. Assignees should represent the interests of the board to the best of their ability and knowledge, but should refrain from officially committing to a formal board position until formal action or the delegation of authority supports such a commitment.
- F. Assignees have a responsibility to inform other committee members of the State Board of Education's official position when it exists if they have been appointed by the president of the board or the committee membership roster states they represent the board.

Operating Guidelines # 7 – Positive Relationships

In these challenging times collaboration is imperative in order to develop and sustain a high quality education system that serves the needs of students, families, and citizens across the state. We must strive to work effectively together and form partnerships and alliances that support our work. This can only be attained through the continuous efforts of each individual member of the board.

General Guidelines for Board Members:

A. Internal board relationships:

1. Look for and recognize the positive contributions, efforts, and skills of each team member.
2. Refrain from speaking negatively about another team member.
3. Express concerns directly to the individual involved.
4. Demonstrate respect through listening, verbal and nonverbal communications.
5. Maintain a sense of hope, optimism, and humor in working together.

B. Board/director relationships:

1. Recognize the unique roles of the director and board members.
2. Look to the director for leadership, guidance and direction.
3. Route requests for department staff assistance or attendance at board meetings through the director.
4. Strive for positive relationships, resolving differences in an appropriate setting.

C. Board/public relationships:

1. Be mindful of the board's role as representatives of the public.
2. Recognize public concerns.
3. Interact with the public in a positive, diplomatic manner.
4. Strive for positive public relations that will be conducive to the formation of needed alliances in furthering the cause of quality education in Iowa.

Operating Guideline #8 – Effective and Open Communication

Effective communication is essential to achieving board goals.

General Guidelines for Board Members:

- A. The board is committed to communication that promotes openness and understanding various perspectives.
- B. Open channels of formal and informal communication will be established and maintained among all members of the team.
- C. The Board will adhere strictly to all provisions of the “Open Meetings” section of the Code of Iowa (Appendix I).
- D. Information discussed in executive session will remain confidential. Sharing such information with unauthorized persons at any time is unacceptable.
- E. If significant issues will be covered in a meeting, board members may expect that the director will make every effort to inform them prior to the issue becoming public.
- F. Board members may expect that the director and staff will follow through on information requested by the board when it is requested through the appropriate channels.
- G. Board members will strive to keep abreast of the flow of information sent out by the department. Staff members will attempt to keep information relevant, concise, and targeted to the board’s level of leadership.
- H. Board members are to conduct formal communication with the department through the director or the director’s designee.
- I. When informational items are sent to all board members from the director and/or staff via electronic communications, members will refrain from “replying to all” to express an opinion. Under court interpretations of Chapter 21 of the Iowa Code, members may discuss an item with another colleague or two on the Board, but may not telephone or email a majority of members either separately or via a “phone tree” arrangement. E.g., in advocacy efforts with members of the Iowa Legislature, board members may inform all other members as to the contacts made and their personal assessment of those efforts, but shall

refrain from discussions with board members of the issues themselves and from expressing personal opinions about policy matters outside of a formally-noticed meeting.

J. While all members may respond to media requests for information and may explain their personal positions relative to any given issue, once formal board action is taken all members shall be publicly supportive of the same. The board president should be kept informed regarding media contacts.

K. The official spokesperson on behalf of the board is the president.

Operating Guideline # 9 – Handling of Public Concerns

Board members are readily accessible to the public, especially in their own local area and thus public concerns will frequently be expressed to them. It is generally not wise to attempt to resolve the problem at that time, until comprehensive information is obtained on the issue. The following guidelines are designed to assist board members handle public concerns in a tactful, orderly and effective way.

General Guidelines for Board Members:

- A. Listen to the individual or group concern and clearly define the concern.
- B. Ask if he or she has discussed the issue with the person immediately responsible.
- C. If the concern relates to a specific local issue, advise that the board and director have established a process for handling concerns and direct them to the appropriate department personnel.
- D. Report the full details of the concern to the director in a timely manner and ask that he/she keep the board informed of developments, if appropriate.
- E. If a question or concern is related generally to policy, a board member may personally respond or may refer the individual to the Department for response.
- F. Correspondence or communications relating to the business of the board, received by members of the board from individuals or organizations, shall be forwarded to the president and director if it appears that the correspondence was sent to only one board member. A board member may personally respond to correspondence or may refer it to the Department for response.

Operating Guideline #10 – Planning, Goal Setting and Accountability

The State Board of Education recognizes the importance of strategic planning in determining the direction of education policymaking at the state level. Strategic planning is a successive process for identifying, implementing and evaluating long-term objectives and quantifiable goals.

General Guidelines for Board Members:

- A. In order to achieve their goals, the State Board and Department of Education are committed to thoughtful planning, implementation, collection and consideration of data, evaluation, accountability, and reporting of results.
- B. Such a process ensures that every member understands and accepts the agreed-upon mission of the board, and is familiar with the strategies for making progress toward achieving the board's goals.
- C. The board will share its plan with the education stakeholders in the state and tie its policy decisions to its long-term strategic plan.
- D. The board will collaborate with multiple constituencies and partner with others in order to achieve their goals.
- E. The board's agenda is the primary vehicle for doing its work. State Board agendas should be structured to reflect the priorities of the board and should be aligned with the plan.
- F. The board and department will report on progress made toward goals on a regular basis.
- G. Plans, goals and priorities will be reviewed on a regular basis and revised as necessary.

Operating Guideline #11 – Board Development

State boards of education are making policy in an era of unprecedented change, turbulence, and technological advancement. Increasing and enhancing boardsmanship skills and understanding education issues are essential and fundamental to good board service.

Professional development for State Board members permits them to:

- Increase their knowledge and understanding of emerging education issues;
- Compare various states' approaches to addressing similar issues and solving common problems;
- Expand their networking opportunities to exchange ideas and gain new perspectives on issues;
- Explore issues in real world settings, outside the context of board meetings; and
- Mobilize the board with new strategies for achieving the board's agenda. (Adapted from NASBE Boardsmanship Review, "The Importance of Board Member Development," February, 1999).

General Guidelines for Board Members:

- A. Excellence in education is best assured through the continuous personal and professional development of all board and staff members.
- B. Board development goals will be set on an annual basis to ensure continued growth and development as board members.
- C. The director and state board president will annually establish a board budget that includes resources for board development.
- D. In addition to State Board meeting agenda items that relate specifically to board priorities and are designed to develop an understanding and knowledge base for policy making, there are several additional ways that board members can obtain development:
 - 1. State board study or work sessions
 - 2. Conference attendance and participation
 - 3. Task force or commission participation
 - 4. Reports and other written materials
 - 5. Technology or internet-based development
(See Appendix J "Board Development Guidelines").
- E. New board members will be provided with a structured ongoing orientation and a mentor will be assigned.

Operating Guideline # 12 – Development and Maintenance of Operating Guidelines

The observance of established operating guidelines should assist the board in performing its assigned duties and responsibilities more efficiently. As legislation is passed, new challenges addressed, new concepts emerge and personnel changes occur, modifications of these guidelines may be deemed necessary. To meet these demands, the following process will be followed.

General Guidelines for Board Members:

- A. Every 3 years a review of the operating guidelines shall be conducted by a subcommittee appointed by the board president. The subcommittee will report back to the board and may recommend changes.
- B. A proposal to add, delete, revise or amend a guideline may be made by the director or any board member at any time. Proposals shall be in writing and shall be referred to the subcommittee for recommendation to the entire board.
- C. A guideline may be changed by board action.

Appendix A

Iowa Code Section 256.7

“Duties of State Board” and Legal Authority of Iowa State Board of Education

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256.7 Duties of state board.

Except for the college student aid commission and the public broadcasting board and division, the state board shall:

1. Adopt and establish policy for programs and services of the department pursuant to law.
2. Constitute the state board for vocational education under chapter 258 .
3. Prescribe standards and procedures for the approval of practitioner preparation programs and professional development programs offered in this state by practitioner preparation institutions located within or outside this state and by area education agencies. Procedures provided for approval of programs shall include procedures for enforcement of the prescribed standards and shall not include a procedure for the waiving of any of the standards prescribed. The board may establish by rule and collect from practitioner preparation institutions located outside this state an amount equivalent to the department's necessary travel and actual expenses incurred while engaged in the program approval process for the institution located outside this state. Amounts collected under this subsection shall be deposited in the general fund of the state.
4. Adopt, and update annually, a five-year plan for the achievement of educational goals in Iowa.
5. Adopt rules under chapter 17A for carrying out the responsibilities of the department.
6. Hear appeals of persons aggrieved by decisions of boards of directors of school corporations under chapter 290 and other appeals prescribed by law. The state board may review the record and shall review the decision of the director of the department of education or the administrative law judge designated for

any appeals heard and decided by the director under chapter 290 , and may affirm, modify, or vacate the decision, or may direct a rehearing before the director.

7. Adopt rules under chapter 17A for the use of telecommunications as an instructional tool for students enrolled in kindergarten through grade twelve and served by local school districts, accredited or approved nonpublic schools, area education agencies, community colleges, institutions of higher education under the state board of regents, and independent colleges and universities in elementary and secondary school classes and courses. The rules shall include but need not be limited to rules relating to programs, educational policy, instructional practices, staff development, use of pilot projects, curriculum monitoring, and the accessibility of licensed teachers.

When curriculum is provided by means of telecommunications, it shall be taught by an appropriately licensed teacher. The teacher shall either be present in the classroom, or be present at the location at which the curriculum delivered by means of telecommunications originates. The rules shall provide that when the curriculum is taught by an appropriately licensed teacher at the location at which the telecommunications originates, the curriculum received at a remote site shall be under the supervision of a licensed teacher. The licensed teacher at the originating site may provide supervision of students at a remote site or the school district in which the remote site is located may provide for supervision at the remote site if the school district deems it necessary or if requested to do so by the licensed teacher at the originating site. For the purposes of this

subsection, "*supervision*" means that the curriculum is monitored by a licensed teacher and the teacher is accessible to the students receiving the curriculum by means of telecommunications.

The state board shall establish an advisory committee to make recommendations for rules required under this subsection on the use of telecommunications as an instructional tool. The committee shall be composed of representatives from community colleges, area education agencies, accredited or approved nonpublic schools, and local school districts from various enrollment categories. The representatives shall include board members, school administrators, teachers, parents, students, and associations interested in education. For the purpose of the rules adopted by the state board, telecommunications means narrowcast communications through systems that are directed toward a narrowly defined audience and includes interactive live communications.

8. Rules adopted under this section shall provide that telecommunications shall not be used by school districts as the exclusive means to provide any course which is required by the minimum educational standards for accreditation.

9. Develop evaluation procedures that will measure the effects of instruction by means of telecommunications on student achievement, socialization, intellectual growth, motivation, and other related factors deemed relevant by the state board, for the development of an educational database. The state board shall consult with the state board of regents and the practitioner preparation departments at its institutions, other practitioner preparation departments located within private colleges and

universities, educational research agencies or facilities, and other agencies deemed appropriate by the state board, in developing these procedures.

10. Adopt rules pursuant to chapter 17A relating to educational programs and budget limitations for educational programs pursuant to sections 282.29 , 282.30 , 282.31 , and 282.33 .

11. Prescribe guidelines for facility standards, maximum class sizes, and maximum in classroom pupil-teacher and teacher-aide ratios for grades kindergarten through three and before and after school and summer child care programs provided under the direction of the school district. The department also shall indicate modifications to such guidelines necessary to address the needs of at-risk children.

12. Elect to a two-year term, from its members in each even-numbered year, a president of the state board, who shall serve until a successor is elected and qualified.

13. Adopt rules and a procedure for accrediting all apprenticeship programs in the state which receive state or federal funding. In developing the rules, the state board shall consult with schools and labor or trade organizations affected by or currently operating apprenticeship or training programs. Rules adopted shall be the same or similar to criteria established for the operation of apprenticeship programs at community colleges.

14. Adopt rules which require each community college which establishes a new jobs training project or projects and receives funds derived from or associated with the project or projects to establish a separate account to act as a repository for any funds received and to report annually, by January 15, to the general assembly on funds received and

disbursed during the preceding fiscal year in the form required by the department.

15. If funds are appropriated by the general assembly for the program, adopt rules for the administration of the teacher exchange program, including, but not limited to, rules for application to participate in the program, rules relating to the number of times that a given applicant may participate in the program, and rules describing reimbursable expenses and establishing honoraria for teacher participants.

16. Adopt rules that set standards for approval of family support preservice and in-service training programs, offered by area education agencies and practitioner preparation institutions, and family support programs offered by or through local school districts.

17. Receive and review the budget and unified plan of service submitted by the division of libraries and information services.

18. Adopt rules that include children who retain some sight but who have a medically diagnosed expectation of visual deterioration within the definition of children requiring special education pursuant to section 256B.2, subsection 1. Rules adopted pursuant to this subsection shall provide for or include, but are not limited to, the following:

1. Rules adopted pursuant to this subsection shall provide for or include, but are not limited to, the following:

a. A presumption that proficiency in braille reading and writing is essential for satisfactory educational progress for a visually impaired student who is not able to communicate in print with the same level of proficiency as a student of otherwise comparable ability at the same grade level. This presumption includes a student as defined in paragraph "b". A student for whom braille services are appropriate, as defined in this subsection, is entitled to instruction in

braille reading and writing that is sufficient to enable the pupil to communicate with the same level of proficiency as a pupil of otherwise comparable ability at the same grade level.

b. A pupil who retains some sight but who has a medically diagnosed expectation of visual deterioration in adolescence or early adulthood may qualify for instruction in braille reading and writing.

c. Instruction in braille reading and writing may be used in combination with other special education services appropriate to a pupil's educational needs.

d. The annual review of a pupil's individual education plan shall include discussion of instruction in braille reading and writing and a written explanation of the reasons why the pupil is using a given reading and writing medium or media. If the reasons have not changed since the previous year, the written explanation for the current year may refer to the fuller explanation from the previous year.

e. A pupil as defined in paragraph "b" whose primary learning medium is expected to change may begin instruction in the new medium before it is the only medium the pupil can effectively use.

f. A pupil who receives instruction in braille reading and writing pursuant to this subsection shall be taught by a teacher licensed to teach students with visual impairments.

19. Define the minimum school day as a day consisting of five and one-half hours of instructional time for grades one through twelve. The minimum hours shall be exclusive of the lunch period, but may include passing time between classes. Time spent on parent-teacher

conferences shall be considered instructional time. A school or school district may record a day of school with less than the minimum instructional hours as a minimum school day if any of the following apply:

a. If emergency health or safety factors require the late arrival or early dismissal of students on a specific day.

b. If the total hours of instructional school time for grades one through twelve for any five consecutive school days equal a minimum of twenty-seven and one-half hours, even though any one day of school is less than the minimum instructional hours because of a staff development opportunity provided for the professional instructional staff or because parent-teacher conferences have been scheduled beyond the regular school day. Furthermore, if the total hours of instructional time for the first four consecutive days equal at least twenty-seven and one-half hours because parent-teacher conferences have been scheduled beyond the regular school day, a school or school district may record zero hours of instructional time on the fifth consecutive school day as a minimum school day.

20. Adopt rules that require the board of directors of a school district to waive school fees for indigent families.

21. Develop and adopt rules incorporating accountability for, and reporting of, student achievement into the standards and accreditation process described in section [256.11](#) . The rules shall provide for all of the following:

a. Requirements that all school districts and accredited nonpublic schools develop, implement, and file with the department a comprehensive school improvement plan that includes, but is not limited to, demonstrated school, parental, and community involvement in

assessing educational needs, establishing local education standards and student achievement levels, and, as applicable, the consolidation of federal and state planning, goal-setting, and reporting requirements.

b. A set of core academic indicators in mathematics and reading in grades four, eight, and eleven, a set of core academic indicators in science in grades eight and eleven, and another set of core indicators that includes, but is not limited to, graduation rate, postsecondary education, and successful employment in Iowa. Annually, the department shall report state data for each indicator in the condition of education report.

c. A requirement that all school districts and accredited nonpublic schools annually report to the department and the local community the district-wide progress made in attaining student achievement goals on the academic and other core indicators and the district-wide progress made in attaining locally established student learning goals. The school districts and accredited nonpublic schools shall demonstrate the use of multiple assessment measures in determining student achievement levels. The school districts and accredited nonpublic schools shall also report the number of students who enter ninth grade but do not graduate from the school or school district; the number of students who are tested and the percentage of students who are so tested annually; and the percentage of students who graduated during the prior school year and who completed a core curriculum. The board shall develop and adopt uniform definitions consistent with the federal No Child Left Behind Act of 2001, Pub. L. No. 107-110 and any federal regulations adopted pursuant to the federal Act. The school districts and

accredited nonpublic schools may report on other locally determined factors influencing student achievement. The school districts and accredited nonpublic schools shall also report to the local community their results by individual attendance center.

22. Adopt rules and a procedure for the approval of para-educator preparation programs offered by a public school district, area education agency, community college, institution of higher education under the state board of regents, or an accredited private institution as defined in section 261.9 , subsection 1. The programs shall train and recommend individuals for para-educator certification under section 272.12 .

23. Adopt rules directing the community colleges to annually and uniformly submit data from the most recent fiscal year to the division of community colleges and workforce preparation, using criteria determined and prescribed by the division via the management information system. Financial data submitted to the division by a community college shall be broken down by fund. Community colleges shall provide data to the division by a deadline set by the division. The deadline shall be set for a date that permits the division to include the data in a report submitted for state board approval and for review by December 15 of each year by the house and senate standing education committees and the joint subcommittee on education appropriations.

24. Adopt rules on or before January 1, 2001, to require school districts and accredited nonpublic schools to adopt local policies relating to health services, media services programs, and guidance programs, as part of the general

accreditation standards applicable to school districts pursuant to section 256.11 . This subsection shall be applicable strictly for reporting purposes and shall not be interpreted to require school districts and accredited nonpublic schools to provide or offer health services, media services programs, or guidance programs.

25. Adopt rules establishing standards for school district and area education agency career development programs and for individual teacher career development plans in accordance with section 284.6 .

26. Develop a model core curriculum, taking into consideration the recommendations of the American college testing program, inc. The state board shall set a goal of increasing the number of students graduating from secondary school who have successfully completed a core curriculum, by July 1, 2009, to eighty percent of all students graduating from secondary schools in this state, except that the goal shall be exclusive of students who have special or alternative means for satisfying graduation requirements under individualized educational plans developed for the students. For purposes of this section, "*core curriculum*" means the minimum number of specific high school courses that a student needs to take in preparation for advanced career and vocational purposes.

86 Acts, ch 1245, §1407; 87 Acts, ch 224, §24, 25; 87 Acts, ch 207, §1; 87 Acts, ch 211, §2; 87 Acts, ch 233, §449; 88 Acts, ch 1266, §1; 89 Acts, ch 8, §1; 89 Acts, ch 206, §5; 89 Acts, ch 210, §1 - 3; 89 Acts, ch 265, §19 - 22; 90 Acts, ch 1249, §2, 3; 90 Acts, ch 1253, §5, 122; 90 Acts, ch 1272, §37; 91 Acts, ch 84, §1; 92 Acts, ch 1158, §2; 92 Acts, ch 1246, §26; 93 Acts, ch 48, §13; 93 Acts,

ch 59, §1; 93 Acts, ch 82, §1; 94 Acts, ch 1043, §1; 94 Acts, ch 1091, §1 - 3; 94 Acts, ch 1193, §17; 96 Acts, ch 1007, §1; 96 Acts, ch 1127, §2; 98 Acts, ch 1176, §1; 98 Acts, ch 1202, §39, 46; 2000 Acts, ch 1098, §1; 2000 Acts, ch 1167, §1; 2000 Acts, ch 1170, §1; 2001

Acts, ch 24, §66, 74; 2001 Acts, ch 26, §1; 2002 Acts, ch 1140, §4; 2002 Acts, ch 1152, §1; 2003 Acts, ch 178, §56; 2003 Acts, ch 180, §2; 2004 Acts, ch 1145, §1 ; 2005 Acts, ch 149, §1 , 2
Subsection 21, paragraph c amended
NEW subsection 26

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Legal Authority of Iowa State Board of Education

November, 2005

A. The Dillon Rule

1. Origin of the Rule
 - Dates back to an 1868 Iowa Supreme Court case, Merriam v. Morrissey's Executor, and named for Chief Justice Dillon, who established the rule in the case
 - Purpose of rule was to determine the power(s) of local government (originally, counties, municipalities and school districts)
2. Those units of government that are subject to the Dillon Rule¹ have the following powers:
 - Those powers expressly granted by the legislature;
 - Those powers necessarily or fairly implied in or "incident to" the powers expressly granted; and
 - Those powers indispensably essential (not merely convenient) to the declared objects and purposes of the local government unit.

B. Powers/Duties of Local Boards of Education

1. Local control includes those areas in which a local board determines how it will respond to its community's needs within the parameters of statute and the State Board of Education's general supervision, guidance and rules
2. Statutory authority can be divided into "shalls" and "mays:"
3. "Shalls" include:
 - 260C.14(2), setting tuition for Iowa residents at a rate not to exceed the equivalent of the lowest tuition rate charged by a Regents university
 - 279.8, rules for own government, for governance of directors, officers, employees, teachers, and students, and for care of school property
 - 279.11, rules for number and location of attendance centers, structure of grade levels, assignment of students to buildings
 - 280.3, prescribe the minimum education program
 - 280.3, attendance policy

¹ School districts and community colleges are still subject to the Dillon Rule. A 1968 amendment to the Iowa Constitution removed cities from the Rule; county government followed suit in 1978 with its home rule constitutional amendment.

4. "Mays" include:

- 260C.14(2), charging non-Iowa residents a preferred tuition rate if there is a reciprocal tuition agreement with an educational institution in another state
- 260C.2, offering continuing education programs
- 279.8A, traffic and parking on school grounds
- 279.9, policy providing for suspension or expulsion of students who violate mandatory tobacco, drug, alcohol policies
- 279.58, dress codes for students
- 280.3, provide pre-Kindergarten
- 280.3, provide courses beyond those required in 256.11 for accreditation

C. Powers/Duties of State Board of Education

1. Legislature has set out many of these in Iowa Code § 256.7; the primary categories are set out below.

2. Develop, adopt and promote **POLICY**

Examples:

- 256.7(4), adopt and update a five-year plan for the achievement of educational goals
- 256.7(19), define the minimum school day as a day consisting of five and one-half hours of instructional time
- 256.7(21), develop and adopt rules incorporating accountability for, and reporting of, student achievement into the standards and accreditation process
- 256.31, receive assistance and information from the community college council
- 282.18, set policy by which districts may implement a voluntary desegregation plan for open enrollment purposes
- 282.18, give districts guidance – via appeal decisions – to determine how to act on open enrollment requests based on allegations of pervasive harassment

3. Promulgate agency **RULES**

Examples:

- 256.7(7), telecommunications
- 256.11, accreditation
- 256B.2, special education
- 257.42, gifted and talented programming
- 259A.5, high school equivalency diplomas
- 260C.5, community colleges
- 279.51, at risk students

4. Hear and decide **APPEALS**

Examples:

- 256.7(6) and 290.1, general statutory authority
- 273.22, appeals from LEAs wanting in or out of an AEA
- 282.18, open enrollment denials (when request is based upon harassment)

5. **LEADERSHIP** and **ADVOCACY**

Examples:

- 256.7(12), election of SBE president
- 256.9(28), prepare recommendations to legislature as to revisions, amendments, and new provisions of school laws

D. Specific Examples Showing Where the Authority Lies

1. **Curriculum** (See also pages 33-37)

a. *Content*

In some areas, the Legislature has specifically mandated items to be included in curricular areas. e.g.,

- Health curriculum shall include the characteristics of communicable diseases including acquired immune deficiency syndrome.
- Social studies shall include instruction in voting statutes and procedures, voter registration requirements, the use of paper ballots and voting machines in the election process, and the method of acquiring and casting an absentee ballot.
- United States government shall include voting procedures, a study of the Constitution of the United States and the Bill of Rights contained in the Constitution and an assessment of a student's knowledge of the Constitution and the Bill of Rights.

Iowa Code section 256.11 imposes statutory requirements upon districts and accredited nonpublic schools to follow certain curricular requirements ("offer and teach"). These are reflected in chapter 12 accreditation rules. The matrix at the end of this document shows the relationship between statute and rule.

Local school boards determine how they offer required curricula and determine other curricular offerings. 280.3.

[Community college boards have statutory authority to determine the entirety of the curricula offered in their merged areas. 260C.14(1).]

b. "Unit"

256.11(5) states, "In grades nine through twelve, a unit of credit consists of a course or equivalent related components or partial units taught throughout the academic year." The State Board has expanded upon this in rule as follows:

12.5(14) Unit. A unit is a course which meets one of the following criteria: it is taught for at least 200 minutes per week for 36 weeks; it is taught for the equivalent of 120 hours of instruction; or it is an equated requirement as a part of an innovative program filed as prescribed in rule 12.9(256). A fractional unit shall be calculated in a manner consistent with this subrule. Multiple-section courses taught at the same time in a single classroom situation by one teacher do not meet this unit definition for the assignment of a unit of credit. However, the third and fourth years of a foreign language may be taught at the same time by one teacher in a single classroom situation each yielding a unit of credit.

Certainly the SBE may refine or otherwise change this definition.

2. Number of instructional days

The number of instructional days has been set at a minimum of 180 days by the Legislature. 279.10(1).

3. Instructional hours within a school day

The State Board of Education is to define the minimum school day. But this is illusory, because the statute goes on to dictate that the minimum is to be defined as a day consisting of five and one-half hours of instructional time for grades one through twelve. 256.7(19).

The following table applies to grades 9 – 12 only:

CURRICULAR AREA	STATUTE	RULE
Science	<p>5 units</p> <p>Must include physics and chemistry (which may be taught in alternate years)</p>	<p>5 units</p> <p>Must include biological, earth, and physical science, including physics and chemistry (provision for alternate years)</p> <p>Shall incorporate hands-on process skills; scientific knowledge; application of the skills and knowledge to students and society; conservation of natural resource; environmental sciences</p>
Social studies	<p>5 units</p> <p>Must include instruction in voting statutes and procedures, voter registration requirements, the use of paper ballots and voting machines in the election process, and the method of acquiring and casting an absentee ballot.</p> <p>All students shall complete a minimum of one-half unit of United States government (shall include the voting procedure and a study of the Constitution of the United States and the Bill of Rights) and one unit of United States history.</p>	<p>5 units</p> <p>Shall include citizenship education, history, and the social sciences; the history of the United States and the history and cultures of other peoples and nations including the analysis of persons, events, issues, and historical evidence reflecting time, change, and cause and effect.</p> <p>Instruction in United States government shall include an overview of American government through the study of the United States Constitution, the bill of rights, the federal system of government, and the structure and relationship between the national, state, county, and local governments; and voter education including instruction in statutes and procedures, voter registration requirements, the use of paper ballots and voting machines in the election process, and the method of acquiring and casting an absentee ballot.</p> <p>Economics shall include comparative and consumer studies in relation to the market and command economic systems.</p> <p>Geography shall include the earth's physical and cultural features, their spatial arrangement and interrelationships, and the forces that affect them.</p> <p>Sociology, psychology, and anthropology shall include the scientific study of the individual and group behavior(s) reflecting the impact of these behaviors on persons, groups, society, and the major institutions in a society. Democratic beliefs and values, problem-solving skills, and social and political skills shall be incorporated.</p>

CURRICULAR AREA	STATUTE	RULE
English – Language Arts	6 units	<p>6 units</p> <p>Shall include the following communication processes: speaking; listening; reading; writing; viewing; and visual expression and nonverbal communication. Instruction shall incorporate language learning and creative, logical, and critical thinking. The program shall encompass communication processes and skills; written composition; speech; debate; American, English, and world literature; creative dramatics; and journalism.</p>
Mathematics	4 units of a sequential program, plus 2 additional units	<p>4 sequential units</p> <p>These shall include strands in algebra, geometry, trigonometry, statistics, probability, and discrete mathematics. Mathematical concepts, operations, and applications shall be included for each of these strands. These strands shall be taught through an emphasis on mathematical problem solving, reasoning, and structure; language and symbolism to communicate mathematical ideas; and connections among mathematical topics and between mathematics and other disciplines. Calculators and computers shall be used in concept development and problem solving.</p> <p>2 additional units</p> <p>These are to accommodate the locally identified needs of the students in the school or school district. This content shall be taught through an emphasis on mathematical problem solving, reasoning, and structure; language and symbolism to communicate mathematical ideas; and connections among mathematical topics and between mathematics and other disciplines. Calculators and computers shall be used in concept development and problem solving.</p>
Foreign Language	<p>4 sequential units of one foreign language other than American sign language.</p> <p>DE may waive the 3rd and 4th years of the foreign language requirement if no students sign up for the same.</p>	<p>4 sequential units</p> <p>Foreign language instruction shall include listening comprehension appropriate to the level of instruction; rateable oral proficiency; reading comprehension appropriate to the level of instruction; writing proficiency appropriate to the level of instruction and cultural awareness.</p> <p>Waiver of 3rd and 4th years provided.</p>

CURRICULAR AREA	STATUTE	RULE
Physical Education	1/8 unit each semester Waiver provisions authorized, not mandated (i.e., districts retain discretion whether to waive); exception is waiver based on religious beliefs	No change other than expanded to state that P.E. shall include the physical fitness activities that increase cardiovascular endurance, muscular strength and flexibility; sports and games; tumbling and gymnastics; rhythms and dance; water safety; leisure and lifetime activities.
Health	1 unit Shall include personal health; food and nutrition; environmental health; safety and survival skills; consumer health; family life; human growth and development; substance abuse and nonuse; emotional and social health; health resources; and prevention and control of disease, including sexually transmitted diseases and acquired immune deficiency syndrome.	1 unit Shall include (recites from statute, then adds the following): current crucial health issues, human sexuality, self-esteem, stress management, and interpersonal relationships.
Fine Arts	3 units to include at least 2 of the following: dance, music, theatre, and visual art.	3 units to include at least 2 of the following: Dance. Dance instruction shall encompass developing basic movement skills; elementary movement concepts; study of dance forms and dance heritage; participating in dance; and evaluating dance as a creative art; and using dance as an avocation or vocation. Music. Music instruction shall include skills, knowledge, and attitudes and the singing and playing of music; listening to and using music; reading and writing music; recognizing the value of the world's musical heritage; respecting individual musical aspirations and values; preparing for consuming, performing, or composing; and using music as an avocation or vocation. Theatre. Theatre instruction shall encompass developing the internal and external resources used in the theatre process; creating theatre through artistic collaboration; relating theatre to its social context; forming aesthetic judgments; and using theatre as an avocation or vocation. Visual art. Visual art instruction shall include developing concepts and values about natural and created environments; critiquing works of art; evaluating relationships between art and societies; analyzing, abstracting, and synthesizing visual forms to express ideas; making art; and using visual art as an avocation or vocation.

CURRICULAR AREA	STATUTE	RULE
Vocational Education	<p>3 sequential units in at least 4 of the following vocational service areas: agriculture, business or office occupations, health occupations, family and consumer sciences or home economics occupations, industrial technology or trade and industrial education, and marketing education.</p> <p>Instruction shall be include field, laboratory, or on-the-job training. Each sequential unit shall include instruction in a minimum set of competencies established by the department of education that relate to the following: new and emerging technologies; job-seeking, job-adaptability, and other employment, self-employment and entrepreneurial skills that reflect current industry standards and labor-market needs; and reinforcement of basic academic skills.</p> <p>Does not apply to the teaching of vocational education in nonpublic schools.</p>	<p>3 sequential units, of which only 1 may be a core unit, shall be taught in 4 of the following service areas: agricultural education, business and office education, health occupations education, home economics education, industrial education, and marketing education.</p> <p>The instruction shall provide a base of knowledge which will prepare students for entry level employment, additional on-the-job training, and postsecondary education within their chosen field; shall be articulated with postsecondary programs of study, including apprenticeship programs; shall reinforce basic academic skills; shall include the contributions and perspectives of persons with disabilities, both men and women, and persons from diverse racial and ethnic groups. Vocational core courses may be used in more than one vocational service area. Multioccupations may be used to complete a sequence in more than one vocational service area; however, a core course(s) and multioccupations cannot be used in the same sequence.</p> <p>A service area is the broad category of instruction in the following occupational cluster areas (definitions are those used in these rules):</p> <p>(1) "Agricultural education programs" prepare individuals for employment in agriculture-related occupations. Such programs encompass the study of applied sciences and business management principles, as they relate to agriculture. Agricultural education focuses on, but is not limited to, study in horticulture, forestry, conservation, natural resources, agricultural products and processing, production of food and fiber, aquaculture and other agricultural products, mechanics, sales and service, economics marketing, and leadership development.</p> <p>(2) "Business and office education programs" prepare individuals for employment in varied occupations involving such activities as planning, organizing, directing, and controlling all business office systems and procedures. Instruction offered includes such activities as preparing, transcribing, systematizing, preserving communications; analyzing financial records; receiving and disbursing money; gathering, processing and distributing information; and performing other business and office duties.</p>

CURRICULAR AREA	STATUTE	RULE
		<p>(3) “Health occupations education programs” prepare individuals for employment in a variety of occupations concerned with providing care in the areas of wellness, prevention of disease, diagnosis, treatment, and rehabilitation. Instruction offered encompasses varied activities in such areas as dental science, medical science, diagnostic services, treatment therapy, patient care areas, rehabilitation services, record keeping, emergency care, and health education. Many occupations in this category require licensing or credentialing to practice, or to use a specific title.</p> <p>(4) “Home economics education programs” encompass two categories of instructional programs:</p> <ol style="list-style-type: none"> 1. “Consumer and family science” programs may be taught to prepare individuals for a multiple role of homemaker and wage earner and may include such content areas as food and nutrition; consumer education; family living and parenthood; child development and guidance; family and individual health; housing and home management; and clothing and textiles. 2. “Home economics occupations programs” prepare individuals for paid employment in such home economics–related occupations as child care aide/assistant, food production management and services, and homemaker/home health aide. <p>(5) “Industrial education programs” encompass two categories of instructional programs—industrial technology and trade and industrial. Industrial technology means an applied discipline designed to promote technological literacy which provides knowledge and understanding of the impact of technology including its organizations, techniques, tools, and skills to solve practical problems and extend human capabilities in areas such as construction, manufacturing, communication, transportation, power and energy. Trade and industrial programs prepare individuals for employment in such areas as protective services, construction trades, mechanics and repairers, precision production, transportation, and graphic communications. Instruction includes regular systematic classroom activities, followed by experiential learning with the most important processes, tools, machines, management ideas, and impacts of technology.</p>

CURRICULAR AREA	STATUTE	RULE
		<p>(6) “Marketing education programs” prepare individuals for marketing occupations, including merchandising and management—those activities which make products and services readily available to consumers and business. Instruction stresses the concept that marketing is the bridge between production (including the creation of services and ideas) and consumption. These activities are performed by retailers, wholesalers, and businesses providing services in for-profit and not-for-profit business firms.</p>

Appendix B

Iowa Code Section 66.1A “Removal by Court”

DRAFT

66.1A Removal By Court.

Any appointive or elective officer, except such as may be removed only by impeachment, holding any public office in the state or in any division or municipality thereof, may be removed from office by the district court for any of the following reasons:

1. For willful or habitual neglect or refusal to perform the duties of the office.
2. For willful misconduct or maladministration in office.
3. For corruption.

4. For extortion.
5. Upon conviction of a felony.
6. For intoxication, or upon conviction of being intoxicated.
7. Upon conviction of violating the provisions of chapter 68A.
[S13, § 1258-c; C24, 27, 31, 35, 39, § 1091; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, § 66.1]
C2001, §66.1A
Referred to in § 185.9
Impeachable officers, Constitution, Art. III, § 20

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Appendix C

Iowa Code Section 68B.21 and 68B.22 “Legislative Intent” and “Gifts Accepted or Received”

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68B.21 Legislative intent.

It is the goal of the general assembly that public officials and public employees of the state be extremely cautious and circumspect about accepting a gratuity or favor, especially from persons that have a substantial interest in the legislative, administrative, or political actions of the official or employee. Even where there is a genuine personal friendship, the acceptance of personal benefits from those who could gain advantage by influencing official actions raises suspicions that tend to undermine the public trust. It is therefore the intent of the general assembly that the provisions of this division be construed to discourage all gratuities, but to prohibit only those that create unacceptable conflicts of interest or appearances of impropriety. 92 Acts, ch 1228, § 8

68B.22 Gifts accepted or received.

1. Except as otherwise provided in this section, a public official, public employee, or candidate, or that person's immediate family member shall not, directly or indirectly, accept or receive any gift or series of gifts from a restricted donor. A public official, public employee, candidate, or the person's immediate family member shall not solicit any gift or series of gifts from a restricted donor at any time.

2 Except as otherwise provided in this section, a restricted donor shall not, directly or indirectly, offer or make a gift or a series of gifts to a public official, public employee, or candidate. Except as otherwise provided in this section, a restricted donor

shall not, directly or indirectly, join with one or more other restricted donors

to offer or make a gift or a series of gifts to a public official, public employee, or candidate.

3. A restricted donor may give, and a public official, public employee, or candidate, or the person's immediate family member, may accept an otherwise prohibited nonmonetary gift or a series of otherwise prohibited nonmonetary gifts and not be in violation of this section if the nonmonetary gift or series of nonmonetary gifts is donated within thirty days to a public body, the department of administrative services, or a bona fide educational or charitable organization, if no part of the net earnings of the educational or charitable organization inures to the benefit of any private stockholder or other individual. All such items donated to the department of administrative services shall be disposed of by assignment to state agencies for official use or by public sale.

4. Notwithstanding subsections 1 and 2, the following gifts may be received by public officials, public employees, candidates, or members of the immediate family of public officials, public employees, or candidates:

a. Contributions to a candidate or a candidate's committee.

b. Informational material relevant to a public official's or public employee's official functions, such as books, pamphlets, reports, documents, periodicals, or other information that is recorded in a written, audio, or visual format.

c. Anything received from anyone related within the fourth degree by kinship or marriage, unless the donor is acting as an agent or intermediary for another person not so related.

d. An inheritance.

e. Anything available or distributed free of charge to members of the general public without regard to the official status of the recipient. This paragraph shall not apply to receptions described under paragraph "r".

f. Items received from a bona fide charitable, professional, educational, or business organization to which the donee belongs as a dues-paying member, if the items are given to all members of the organization without regard to individual members' status or positions held outside of the organization and if the dues paid are not inconsequential when compared to the items received.

g. Actual expenses of a donee for food, beverages, registration, travel, and lodging for a meeting, which is given in return for participation in a panel or speaking engagement at the meeting when the expenses relate directly to the day or days on which the donee has participation or presentation responsibilities.

h. Plaques or items of negligible resale value which are given as recognition for the public services of the recipient.

i. Nonmonetary items with a value of three dollars or less that are received from any one donor during one calendar day.

j. Items or services solicited by or given to a state, national, or regional government organization in which the state of Iowa or a political subdivision of the state is a member for purposes of a business or educational conference, seminar, or other meeting; or solicited by or given to state, national, or regional government organizations, whose memberships and officers are primarily composed of state or local government officials or employees, for purposes of a

business or educational conference, seminar, or other meeting.

k. Items or services received by members or representatives of members at a regularly scheduled event that is part of a business or educational conference, seminar, or other meeting that is sponsored and directed by any state, national, or regional government organization in which the state of Iowa or a political subdivision of the state is a member, or received at such an event by members or representatives of members of state, national, or regional government organizations whose memberships and officers are primarily composed of state or local government officials or employees.

l. Funeral flowers or memorials to a church or nonprofit organization.

m. Gifts which are given to a public official or public employee for the public official's or public employee's wedding or twenty-fifth or fiftieth wedding anniversary.

n. Payment of salary or expenses by a person's employer or the firm in which the person is a member for the cost of attending a meeting of a subunit of an agency when the person whose expenses are being paid serves on a board, commission, committee, council, or other subunit of the agency and the person is not entitled to receive compensation or reimbursement of expenses from the state or a political subdivision of the state for attending the meeting.

o. Gifts of food, beverages, travel, or lodging received by a public official or public employee if all of the following apply:

(1) The public official or public employee is officially representing an agency in a delegation whose sole purpose is to attract a specific new

business to locate in the state, encourage expansion or retention of an existing business already established in the state, or to develop markets for Iowa businesses or products.

(2) The donor of the gift is not the business or businesses being contacted. However, food or beverages provided by the business or businesses being contacted which are consumed during the meeting are not a gift under section 68B.2, subsection 9, or this section.

(3) The public official or public employee plays a significant role in the presentation to the business or businesses on behalf of the public official's or public employee's agency.

p. Gifts other than food, beverages, travel, and lodging received by a public official or public employee which are received from a person who is a citizen of a country other than the United States and are given during a ceremonial presentation or as a result of a custom of the other country and are of personal value only to the donee.

q. Actual registration costs for informational meetings or sessions which assist a public official or public employee in the performance of the person's official functions. The costs of food, drink, lodging and travel are not "registration costs" under this paragraph. Meetings or sessions which a public official or public employee attends for personal or professional licensing purposes are not "informational meetings or sessions which assist a public official or public employee in the performance of the person's official functions" under this paragraph.

r. Gifts of food, beverage, and entertainment received by public officials or public employees at a function where every member of the general assembly has been invited to

attend, when the function takes place during a regular session of the general assembly. A sponsor of a function under this paragraph shall file a report disclosing the total amount expended, including in-kind expenditures, on food, beverage, and entertainment for the function. The report shall be filed with the person or persons designated by the secretary of the senate and the chief clerk of the house within five business days following the date of the function. The person or persons designated by the secretary of the senate and the chief clerk of the house shall forward a copy of each report to the board.

5. For purposes of determining the value of an item given or received, an individual who gives an item on behalf of more than one person shall not divide the value of the item by the number of persons on whose behalf the item is given and the value of an item received shall be the value actually received by the donee.

6. A gift shall not be considered to be received by a public official or public employee if the state is the donee of the gift and

the public official or public employee is required to receive the gift on behalf of the state as part of the performance of the person's duties of office or employment.

7. A person shall not request, and a member of the general assembly shall not agree, that a member of the general assembly sell tickets for a community-related social event that is to be held for members of the general assembly in Polk county during the legislative session. This section shall not apply to Polk county or city of Des Moines events that are open to the public generally or are held only for Polk county or city of Des Moines legislators.

8. Except as otherwise provided in subsection 4, an organization or association which has as one of its purposes the encouragement of the passage, defeat, introduction, or modification of legislation shall not give and a member of the general assembly shall not receive food, beverages, registration, or scheduled entertainment with a per person value in excess of three dollars.

92 Acts, ch 1228, § 9; 93 Acts, ch 163, § 6; 94 Acts, ch 1092, §5--7; 2001 Acts, ch 24, §19; 2003 Acts, ch 145, §286; 2003 Acts, ch 161, §1, 2; 2005 Acts, ch 76, §5

Referred to in § 68B.23, 68B.25

Reports on gifts received on behalf of state, see §8.7

Appendix D

Iowa Code Section 69.15

“Board Members – Nonattendance - Vacancy”

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69.15 Board members - nonattendance - vacancy.

Any person who has been appointed by the governor to any board under the laws of this state shall be deemed to have submitted a resignation from such office if either of the following events occurs:

1. The person does not attend three or more consecutive regular meetings of such board. This paragraph does not apply unless the first and last of the consecutive meetings counted for this purpose are at least thirty days apart.

2. The person attends less than one-half of the regular meetings of such board within any period of twelve calendar months beginning on July 1 or January 1.

This paragraph does not apply unless such board holds at least four regular meetings during such period. This paragraph applies only to such a period beginning on or after the date when the person takes office as a member of such board.

If such person received no notice and had no knowledge of a regular meeting and gives the governor a sworn statement to that effect within ten days after the person learns of the meeting, such meeting shall not be counted for the purposes of this section.

The governor in the governor's discretion may accept or reject such resignation. If the governor accepts it, the governor shall notify such person, in writing, that the resignation is accepted pursuant to this section. The governor shall then make another appointment to such office. Such appointment shall be made in the same manner and for the same term as in the case of other vacancies caused by resignation from such office.

As used in this section, "*board*" includes any commission, committee, agency, or governmental body which has three or more members.

[C71, 73, 75, 77, 79, 81, §69.15]

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Appendix E

Iowa Code Chapter 290

“Appeal from Decisions of Boards of Directors”

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290.1 Appeal to state board.

An affected pupil, or the parent or guardian of an affected pupil who is a minor, who is aggrieved by a decision or order of the board of directors of a school corporation in a matter of law or fact, or a decision or order of a board of directors under section 282.18, subsection 5, may, within thirty days after the rendition of the decision or the making of the order, appeal the decision or order to the state board of education; the basis of the proceedings shall be an affidavit filed with the state board by the party aggrieved within the time for taking the appeal, which affidavit shall set forth any error complained of in a plain and concise manner.

[R60, §2133 - 2135; C73, §1829 - 1831; C97, §2818; C24, 27, 31, 35, 39, § 4298; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §290.1]

87 Acts, ch 224, §64; 88 Acts, ch 1263, §12; 89 Acts, ch 12, §4; 2002 Acts, ch 1140, §29

290.2 Notice - transcript - hearing.

The state board of education shall, within five days after the filing of such affidavit, notify the secretary of the proper school corporation in writing of the taking of such appeal, who shall, within ten days after being thus notified, file with the state board a complete certified transcript of the record and proceedings relating to the decision appealed from. Thereupon, the state board shall notify in writing all persons adversely interested of the time when and place where the matter of appeal will be heard.

[R60, §2136, 2137; C73, §1832 - 1834; C97, §2819; C24, 27, 31, 35, 39, § 4299; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §290.2]

290.3 Hearing - shorthand reporter - decision.

At the time fixed for the hearing, it shall hear testimony for either party, and may cause the same to be taken down and transcribed by a shorthand reporter, whose fees shall be fixed by the state board and be taxed as a part of the costs in the case, and it shall make such decision as may be just and equitable, which shall be final unless appealed from as hereinafter provided.

[C97, §2819; C24, 27, 31, 35, 39, § 4300; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §290.3]

290.4 Witnesses - fees - collection.

The state board of education in all matters triable before it shall have power to issue subpoenas for witnesses, which may be served by any peace officer, compel the attendance of those thus served, and the giving of evidence by them, in the same manner and to the same extent as the district court may do, and such witnesses and officers may be allowed the same compensation as is paid for like attendance or service in such court, which shall be paid out of the general fund of the proper school corporation, upon the certificate of the state board to and warrant of the secretary upon the treasurer; but if the board is of the opinion that the proceedings were instituted without reasonable cause therefor, or if, in case of an appeal, it shall not be sustained, it shall enter such findings in the record, and tax all costs to the party responsible therefor. A transcript thereof shall be filed in the office of the clerk of the district court and a judgment entered thereon by the clerk, which shall be collected as other judgments.

[C97, §2821; C24, 27, 31, 35, 39, § **4301**; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §290.4]

Contempts, chapter **665**

Fees for serving subpoenas, § **331.655** (1c)

Witness fees and mileage; § **622.69** et seq.

290.5 Decision of state board - rules for appeals.

The decision of the state board shall be final. The state board may adopt rules of procedure for hearing appeals which shall include the power to delegate the actual hearing of the appeal to the director of the department of education or the director's designee, and members of the director's staff designated by the director. The record of appeal so heard shall be available to the state board and the decision recommended by the director of the department of education

or the designated administrative law judge shall be approved by the state board in the manner provided in section **256.7**, subsection 6.

[R60, §2139; C73, §1835; C97, §2820; C24, 27, 31, 35, 39, § **4302**; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §290.5]

85 Acts, ch 212, §21 - 23; 89 Acts, ch 210, §12

290.6 Money judgment.

Nothing in this chapter shall be so construed as to authorize the state board of education to render judgment for money; neither shall they be allowed any other compensation than is now allowed by law. All necessary postage must first be paid by the party aggrieved.

[R60, §2140; C73, §1836; C97, §2820; C24, 27, 31, 35, 39, § **4303**; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §290.6]

Appendix F

Rules Procedures:

The Iowa Rulemaking Process

Iowa Code Section 17A.4

“Procedures for Adoption of Rules”

DRAFT

THE IOWA RULEMAKING PROCESS

Iowa Code §§17A.4 through 17A.8

NOTICE OF INTENDED ACTION

35 DAYS NOTICE PERIOD
ARRC & ARC Meeting-initial review

Edited by the
Administrative Code Editor

NOTICE
to the
Administrative Rules
Coordinator

19 day publication delay

PUBLISHED
in the
Iowa Administrative
Bulletin

20 day deadline
for written
comments,
possible hearing

ADOPTED
in final form

ADOPTION and PUBLICATION

35 DAYS PUBLICATION PERIOD
ARRC & ARC Meeting-final review

Edited by the
Administrative Code Editor

FILED
with the
Administrative Rules
Coordinator

19 day publication delay

PUBLISHED
in the
Iowa Administrative
Bulletin and Code

EFFECTIVE

Emergency rulemaking procedures
§17A.4(2) §17A.5(2) a & b
Eliminate notice and public participation if:
1. Unnecessary;
2. Impracticable;
3. Contrary to the public health, safety or welfare.
Eliminate publication period if:
1. Statute so provides;
2. Rule confers a benefit or removes a restriction;
3. Imminent peril to the public health, safety or welfare.

THE RULE-MAKING PROCESS TAKES AT LEAST
108 DAYS

17A.4 Procedure for Adoption of Rules.

1. Prior to the adoption, amendment, or repeal of any rule an agency shall:

a. Give notice of its intended action by submitting three copies of the notice to the administrative rules coordinator, who shall assign an ARC number to each rulemaking document and forward two copies to the administrative code editor for publication in the Iowa administrative bulletin created pursuant to section 17A.6. Any notice of intended action shall be published at least thirty-five days in advance of the action. The notice shall include a statement of either the terms or substance of the intended action or a description of the subjects and issues involved, and the time when, the place where, and the manner in which interested persons may present their views.

b. Afford all interested persons not less than twenty days to submit data, views, or arguments in writing. If timely requested in writing by twenty-five interested persons, by a governmental subdivision, by the administrative rules review committee, by an agency, or by an association having not less than twenty-five members, the agency must give interested persons an opportunity to make oral presentation. The opportunity for oral presentation must be held at least twenty days after publication of the notice of its time and place in the Iowa administrative bulletin. The agency shall consider fully all written and oral submissions respecting the proposed rule. Within one hundred eighty days following either the notice published according to the provisions of paragraph "a" or within one hundred eighty days

after the last date of the oral presentations on the proposed rule, whichever is later, the agency shall adopt a rule pursuant to the rulemaking proceeding or shall terminate the proceeding by publishing notice of termination in the Iowa administrative bulletin.

An agency shall include in a preamble to each rule it adopts a brief explanation of the principal reasons for its action and, if applicable, a brief explanation of the principal reasons for its failure to provide in that rule for the waiver of the rule in specified situations if no such waiver provision is included in the rule. This explanatory requirement does not apply when the agency adopts a rule that only defines the meaning of a provision of law if the agency does not possess delegated authority to bind the courts to any extent with its definition. In addition, if requested to do so by an interested person, either prior to adoption or within thirty days thereafter, the agency shall issue a concise statement of the principal reasons for and against the rule adopted, incorporating therein the reasons for overruling considerations urged against the rule. This concise statement shall be issued either at the time of the adoption of the rule or within thirty-five days after the agency receives the request.

c. Mail the number of copies of the proposed rule as requested to the state office of a trade or occupational association which has registered its name and address with the agency. The trade or occupational association shall reimburse the agency for the actual cost incurred in providing the copies of the proposed rule under this paragraph. Failure to provide copies as provided in this paragraph shall not be grounds for

the invalidation of a rule, unless that failure was deliberate on the part of that agency or the result of gross negligence.

2. When an agency for good cause finds that notice and public participation would be unnecessary, impracticable, or contrary to the public interest, the provisions of subsection 1 shall be inapplicable. The agency shall incorporate in each rule issued in reliance upon this provision either the finding and a brief statement of the reasons for the finding, or a statement that the rule is within a very narrowly tailored category of rules whose issuance has previously been exempted from subsection 1 by a special rule relying on this provision and including such a finding and statement of reasons for the entire category. If the administrative rules review committee by a two-thirds vote, the governor, or the attorney general files with the administrative code editor an objection to the adoption of any rule pursuant to this subsection, that rule shall cease to be effective one hundred eighty days after the date the objection was filed. A copy of the objection, properly dated, shall be forwarded to the agency at the time of filing the objection. In any action contesting a rule adopted pursuant to this subsection, the burden of proof shall be on the agency to show that the procedures of subsection 1 were impracticable, unnecessary, or contrary to the public interest and that, if a category of rules was involved, the category was very narrowly tailored.

3. Any notice of intended action or rule filed without notice pursuant to subsection 2, which necessitates additional annual expenditures of at least one hundred thousand dollars or combined expenditures of at least five hundred thousand dollars within five

years by all affected persons, including the agency itself, shall be accompanied by a fiscal impact statement outlining the expenditures. The agency shall promptly deliver a copy of the statement to the legislative services agency. To the extent feasible, the legislative services agency shall analyze the statement and provide a summary of that analysis to the administrative rules review committee. If the agency has made a good faith effort to comply with the requirements of this subsection, the rule shall not be invalidated on the ground that the contents of the statement are insufficient or inaccurate.

4. No rule adopted after July 1, 1975, is valid unless adopted in substantial compliance with the above requirements of this section. However, a rule shall be conclusively presumed to have been made in compliance with all of the above procedural requirements of this section if it has not been invalidated on the grounds of noncompliance in a proceeding commenced within two years after its effective date.

5. a. If the administrative rules review committee created by section 17A.8, the governor, or the attorney general finds objection to all or some portion of a proposed or adopted rule because that rule is deemed to be unreasonable, arbitrary, capricious, or otherwise beyond the authority delegated to the agency, the committee, governor, or attorney general may, in writing, notify the agency of the objection. In the case of a rule issued under subsection 2, or a rule made effective under section 17A.5, subsection 2, paragraph "b", the committee, governor, or attorney general may notify the agency of such an objection. The committee, governor, or attorney general shall also file a certified copy of such an

objection in the office of the administrative code editor and a notice to the effect that an objection has been filed shall be published in the next issue of the Iowa administrative bulletin and in the Iowa administrative code when that rule is printed in it. The burden of proof shall then be on the agency in any proceeding for judicial review or for enforcement of the rule heard subsequent to the filing to establish that the rule or portion of the rule timely objected to according to the above procedure is not unreasonable, arbitrary, capricious, or otherwise beyond the authority delegated to it.

b. If the agency fails to meet the burden of proof prescribed for a rule objected to according to the provisions of paragraph "a" of this subsection, the court shall declare the rule or portion of the rule objected to invalid and judgment shall be rendered against the agency for court costs. Such court costs shall include a reasonable attorney fee and shall be payable by the director of the department of administrative services from the support appropriations of the agency which issued the rule in question.

6. Upon the vote of two-thirds of its members the administrative rules review committee may delay the effective date of a rule seventy days beyond that permitted in section 17A.5,

unless the rule was promulgated under section 17A.5, subsection 2, paragraph "b". This provision shall be utilized by the committee only if further time is necessary to study and examine the rule. Notice of an effective date that was delayed under this provision shall be published in the Iowa administrative code and bulletin.

7. The governor may rescind an adopted rule by executive order within seventy days of the rule becoming effective. The governor shall provide a copy of the executive order to the administrative code editor who shall include it in the next publication of the Iowa administrative bulletin.
[C66, 71, § 17A.6, 17A.7; C73, § 17A.6, 17A.7, 17A.17; C75, 77, 79, 81, § 17A.4]

83 Acts, ch 142, § 9; 86 Acts, ch 1245, § 2038; 90 Acts, ch 1266, §32; 91 Acts, ch 258, §17, 18; 98 Acts, ch 1202, §8, 9, 46; 2003 Acts, ch 35, §27, 49; 2003 Acts, ch 145, §286

Referred to in § 7J.1, 17A.4A, 17A.7, 17A.8, 68B.2, 135C.2, 163.30, 249A.3, 249A.20A, 249A.21, 267.6, 455B.105, 455G.4, 459.301, 479.29, 479B.20, 502.321B, 514B.4A, 519A.4

Rules mandating expenditures by political subdivisions; limitations; fiscal impact statements; § 25B.6 Subsection 6; see also §17A.8(9)

17A.4A Regulatory Analysis.

1. An agency shall issue a regulatory analysis of a proposed rule that complies with subsection 2, paragraph "a", if, within thirty-two days after the published notice of proposed rule adoption, a written request for the analysis is submitted to the agency by the administrative rules review committee or the administrative rules

coordinator. An agency shall issue a regulatory analysis of a proposed rule that complies with subsection 2, paragraph "b", if the rule would have a substantial impact on small business and if, within thirty-two days after the published notice of proposed rule adoption, a written request for analysis is submitted to the agency by the administrative rules review committee,

the administrative rules coordinator, at least twenty-five persons signing that request who each qualify as a small business or by an organization representing at least twenty-five such persons. If a rule has been adopted without prior notice and an opportunity for public participation in reliance upon section 17A.4, subsection 2, the written request for an analysis that complies with subsection 2, paragraph "a" or "b", may be made within seventy days of publication of the rule.

2. a. Except to the extent that a written request for a regulatory analysis expressly waives one or more of the following, the regulatory analysis must contain all of the following:

(1) A description of the classes of persons who probably will be affected by the proposed rule, including classes that will bear the costs of the proposed rule and classes that will benefit from the proposed rule.

(2) A description of the probable quantitative and qualitative impact of the proposed rule, economic or otherwise, upon affected classes of persons, including a description of the nature and amount of all of the different kinds of costs that would be incurred in complying with the proposed rule.

(3) The probable costs to the agency and to any other agency of the implementation and enforcement of the proposed rule and any anticipated effect on state revenues.

(4) A comparison of the probable costs and benefits of the proposed rule to the probable costs and benefits of inaction.

(5) A determination of whether less costly methods or less intrusive methods exist for achieving the purpose of the proposed rule.

(6) A description of any alternative methods for achieving the purpose of the proposed rule that were seriously considered by the agency and the reasons why they were rejected in favor of the proposed rule.

b. In the case of a rule that would have a substantial impact on small business, the regulatory analysis must contain a discussion of whether it would be feasible and practicable to do any of the following to reduce the impact of the rule on small business:

(1) Establish less stringent compliance or reporting requirements in the rule for small business.

(2) Establish less stringent schedules or deadlines in the rule for compliance or reporting requirements for small business.

(3) Consolidate or simplify the rule's compliance or reporting requirements for small business.

(4) Establish performance standards to replace design or operational standards in the rule for small business.

(5) Exempt small business from any or all requirements of the rule.

c. The agency shall reduce the impact of a proposed rule that would have a substantial impact on small business by using a method discussed in paragraph "b" if the agency finds that the method is legal and feasible in meeting the statutory objectives which are the basis of the proposed rule.

3. Each regulatory analysis must include quantifications of the data to the extent practicable and must take account of both short-term and long-term consequences.

4. Upon receipt by an agency of a timely request for a regulatory analysis, the agency shall extend the period specified in this chapter for each of the

following until at least twenty days after publication in the administrative bulletin of a concise summary of the regulatory analysis:

a. The end of the period during which persons may make written submissions on the proposed rule.

b. The end of the period during which an oral proceeding may be requested.

c. The date of any required oral proceeding on the proposed rule.

In the case of a rule adopted without prior notice and an opportunity for public participation in reliance upon section 17A.4, subsection 2, the summary must be published within seventy days of the request.

5. The published summary of the regulatory analysis must also indicate where persons may obtain copies of the full text of the regulatory analysis and where, when, and how persons may present their views on the proposed rule and demand an oral proceeding thereon if one is not already provided. Agencies shall make available to the public, to the maximum extent feasible, the published summary and the full text of the regulatory analysis described in this subsection in an electronic format, including, but not limited to, access to the documents through the internet.

6. If the agency has made a good faith effort to comply with the requirements of subsections 1 through 3, the rule may not be invalidated on the ground that the contents of the regulatory analysis are insufficient or inaccurate.

7. For the purpose of this section, "small business" means any entity including but not limited to an individual, partnership, corporation, joint venture, association, or cooperative, to which all of the following apply:

a. It is not an affiliate or subsidiary of an entity dominant in its field of operation.

b. It has either twenty or fewer full-time equivalent positions or less than one million dollars in annual gross revenues in the preceding fiscal year.

For purposes of this definition, "dominant in its field of operation" means having more than twenty full-time equivalent positions and more than one million dollars in annual gross revenues, and "affiliate or subsidiary of an entity dominant in its field of operation" means an entity which is at least twenty percent owned by an entity dominant in its field of operation, or by partners, officers, directors, majority stockholders, or their equivalent, of an entity dominant in that field of operation.

98 Acts, ch 1202, §10, 46

Referred to in §17A.33

17A.5 Filing and Taking Effect of Rules.

1. Each agency shall file in the office of the administrative rules coordinator three certified copies of each rule adopted by it.

The administrative rules coordinator shall assign an ARC number to each rulemaking document and forward two copies to the administrative code editor. The administrative rules coordinator shall keep a permanent register of the rules open to public inspection.

2. A rule adopted after July 1, 1975, is effective thirty-five days after filing, as required in this section, and indexing and publication in the Iowa administrative bulletin except that:

a. If a later date is required by statute or specified in the rule, the later date is the effective date.

b. Subject to applicable constitutional or statutory provisions, a rule becomes effective immediately upon filing with the administrative rules coordinator, or at a subsequent stated date prior to indexing and publication, or at a stated date less than thirty-five days after filing, indexing and publication, if the agency finds:

- (1) That a statute so provides;
- (2) That the rule confers a benefit or removes a restriction on the public or some segment thereof; or
- (3) That this effective date is necessary because of imminent peril to the public health, safety or welfare. In any subsequent action contesting the effective date of a rule promulgated under this paragraph, the burden of proof shall be on the agency to justify its finding. The agency's finding and a brief statement of the reasons therefor shall be filed with and made a part of the rule. Prior to indexing and publication, the agency shall make reasonable efforts to make known to the persons who may be affected by it a rule made effective under the terms of this paragraph.

[C54, 58, 62, § 17A.3, 17A.4; C66, 71, 73, § 17A.8; C75, 77, 79, 81, § 17A.5] 89 Acts, ch 83, § 10; 90 Acts, ch 1266, §33; 91 Acts, ch 258, §19 Referred to in § 17A.4, 17A.8, 135C.2, 161A.4, 249A.3, 249A.20A, 249A.21, 267.6, 455G.4, 519A.4

17A.6 Publications.

1. The administrative code editor shall cause the Iowa administrative bulletin to be published in accordance with section

2.42 at least every other week, unless the administrative code editor and the administrative rules review committee determine that an alternative publication schedule is preferable. The Iowa

administrative bulletin shall contain all of the following:

a. Notices of intended action and adopted rules prepared in such a manner so that the text of a proposed or adopted rule shows the text of any existing rule being changed and the change being made.

b. All proclamations and executive orders of the governor which are general and permanent in nature.

c. Resolutions nullifying administrative rules passed by the general assembly pursuant to Article III, section 40 of the Constitution of the State of Iowa.

d. Other materials deemed fitting and proper by the administrative rules review committee.

2. Subject to the direction of the administrative rules coordinator, the administrative code editor shall cause the Iowa administrative code to be compiled, indexed, and published in accordance with section 2.42 in a form containing all rules adopted and filed by each agency. The administrative code editor further shall cause supplements to the Iowa administrative code to be published as determined by the administrative rules coordinator and the administrative rules review committee, containing all rules filed for publication in the prior time period. The supplements shall be in such form that they may be inserted in the appropriate places in the permanent compilation. The administrative rules coordinator shall devise a uniform numbering system for rules and may renumber rules before publication to conform with the system.

3. The administrative code editor may omit or cause to be omitted from the Iowa administrative code or bulletin any rule the publication of which would be unduly cumbersome, expensive or

otherwise inexpedient, if the rule in processed form is made available on application to the adopting agency at no more than its cost of reproduction, and if the Iowa administrative code or bulletin contains a notice stating the specific subject matter of the omitted rule and stating how a copy of the omitted rule may be obtained.

The administrative code editor shall omit or cause to be omitted from the Iowa administrative code any rule or portion of a rule nullified by the general assembly pursuant to Article III, section 40, of the Constitution of the State of Iowa.

4. An agency which adopts standards by reference to another publication shall purchase and provide a copy of the publication containing the standards to the administrative rules coordinator who shall deposit the copy in the state law library where it shall be made available for inspection and reference.

5. The Iowa administrative code, its supplements, and the Iowa administrative bulletin shall be made available upon request to all persons who subscribe to any of them.

6. All expenses incurred by the administrative code editor under this section shall be defrayed under section 2B.22.

7. The administrative code editor, with the approval of the administrative rules review committee and the administrative rules coordinator, may delete a rule from the Iowa administrative code if the agency that adopted the rule has ceased to exist, no successor agency has jurisdiction over the rule, and no statutory authority exists supporting the rule.

8. The Iowa administrative code shall be cited as (agency identification number) IAC (chapter, rule, subrule, lettered paragraph, or numbered subparagraph).

9. The Iowa administrative bulletin shall be cited as IAB (volume), (number), (publication date), (page number), (ARC number).

[C54, 58, 62, 66, § 14.3, 17A.9; C71, 73, § 14.6(5); C75, 77, 79, 81, § 17A.6] 88 Acts, ch 1158, § 2; 89 Acts, ch 296, § 4; 90 Acts, ch 1266, §34; 91 Acts, ch 42, § 2, 3; 91 Acts, ch 258, § 20; 95 Acts, ch 14, § 1; 96 Acts, ch 1099, §9, 10; 2003 Acts, ch 35, §28, 29, 49; 2003 Acts, ch 145, §141 Referred to in § 2B.13, 2B.17, 17A.4, 89.5, 89A.3, 267.6

See also § 7.17

Appendix G

Attorney General Opinions Related to Conflict of Interest

DRAFT

1981 Iowa Op. Atty. Gen. 266, 1981 WL 315391 (Iowa A.G.)

Office of the Attorney General

State of Iowa

Opinion No. 81-10-6(L)

October 13, 1981

PUBLIC EMPLOYMENT: CONFLICT OF INTEREST. An apparent conflict of interest generally exists in a situation in which a member of an AEA board of directors makes programming decisions regarding a student if those decisions impact on whether that student will be eligible to continue receiving services purchased from the board member's employer. Such board member should abstain from participation in that particular decision. (Fortney to Clements, State Representative, 10/13/81)

Honorable James B. Clements
State Representative
1535 Northlawn Road
Davenport, Iowa 52804

Dear Representative Clements:

You have requested an opinion of the Attorney General regarding the election of the executive director of Handicapped Development Center, located in Davenport, Iowa, to a seat on the board of directors of the Mississippi Bend Area Education Agency. This AEA includes Scott County and the City of Davenport. It is our understanding that Handicapped Development Center is a private agency which contracts to provide services to governmental bodies such as the AEA, school districts and the Department of Social Services. Your question, presented in a broader framework, is whether an employee of a provider agency may be elected to an AEA which contracts with that provider agency. You express concern that the AEA makes programming decisions affecting clients served by the provider agency. You question whether this presents a "conflict of interest."

At the outset, we would point out that the situation you present does not involve the doctrine of incompatibility of offices. When an incompatibility of offices exists, an individual is prohibited from occupying both offices. A position with a private agency does not constitute an office within the doctrine of incompatibility. See [State v. Taylor, 260 Iowa 634, 144 N.W. 289 \(1966\)](#); Op. Att'y Gen. # 81-8-26. In contrast, a conflict of interest does not prevent an individual from holding an office. The conflict may, however, prohibit the officeholder from participating in a particular decision or action.

A conflict of interest generally develops whenever a person serving in public office may gain any private advantage, financial or otherwise, from such service. The occurrence of a conflict may be defined either by statute or by common law rules. Op. Att'y Gen. # 81-6-12(L). An allegation of conflict of interest can only be decided through a sifting of the various facts surrounding a particular action or set of actions taken by an officeholder.

The leading case on conflict of interest is Wilson v. Iowa City, 165 N.W.2d 813 (Iowa 1969). In the Wilson case, certain city councilmen were determined to have conflict of interest under the applicable statute because they had voted to bring a certain area within an urban renewal project when they knew that the area included property in which they had an ownership interest. The conflict of one councilman, however, was based entirely upon his employment by another public body, i.e., the University of Iowa, which owned property in the urban renewal area and was "vitally interested" in the project. 165 N.W.2d 813, 821. This councilman had held various positions of trust and responsibility with the University. At the time he became a member of the city council, he was director of the alumni office. Soon after his election, he was made director of community relations for the University. The Court noted that the University was openly in favor of the urban renewal project and would be beneficially affected by it. The Court then concluded that the councilman-employee of the University did have a disqualifying interest under the conflict of interest statute, particularly because of his "position of influence as director of community relations, the very department with which the city would deal in case of matters of mutual interest to the University and the city." Id. at 823.

The Wilson Court did not find it necessary to analyze the statutory duties of the councilman involved with the urban renewal project. Instead, the Court focused on the presence of irreconcilable loyalties, loyalties to the private employer and loyalties to the public he had been elected to serve. Referring to the common law prohibitions against conflict of interest by a public employee, the Court in Wilson observed:

These rules, whether common law or statutory, are based on moral principles and public policy. They demand complete loyalty to the public and seek to avoid subjecting a public servant to the difficult, and often insoluble, task of deciding between public duty and private advantage.

It is not necessary that this advantage be a financial one. Neither is it required that there be a showing the official sought or gained such a result. It is the potential for conflict of interest which the law desires to avoid. [Emphasis in original.] 165 N.W.2d 813, 819.

While a question of conflict of interest must be addressed on a case-by-case basis and, of necessity, requires factual determinations which are not appropriately made in the context of an Attorney General's opinion, we are prepared to state that an apparent conflict of interest generally exists in a situation in which a member of an AEA board of directors makes programming decisions regarding a student if those decisions impact on whether that student will be eligible to continue receiving services purchased from the board member's employer. Such board member should abstain from participation in that particular decision.

Yours truly,

David M. Fortney
Assistant Attorney General
1981 Iowa Op. Atty. Gen. 266, 1981 WL 315391 (Iowa A.G.)

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1988 Iowa Op. Atty. Gen. 21, 1987 WL 119623 (Iowa A.G.)

Office of the Attorney General

State of Iowa

Opinion No. 87-1-15

January 22, 1987

INCOMPATIBILITY OF OFFICES: Conflict of Interest Iowa Code ch. 273; [Iowa Code § 281.4 \(1985\)](#). The doctrine of incompatibility does not apply where an employee of an Area Education Agency, AEA, is also a member of the board of directors of a school district within the AEA. Conflict of Interest problems are decided on the basis of the particular facts and circumstances in each case. We do not decide evidentiary questions. (Fleming to Murphy, State Senator, 1-22-87)

The Honorable Larry Murphy
State Senator
LOCAL

Dear Senator Murphy:

You have asked for our opinion concerning the applicability of the principles of incompatibility and conflict of interest to an employee of an Area Education Agency, AEA, who is elected to the board of directors of a school district which is within the boundaries of the AEA. In our opinion principles of incompatibility do not apply to such a situation. The conflict of interest doctrine has some bearing on such a circumstance and we will discuss that concept more fully.

While the issues you present are not of constitutional dimension, we believe cases concerning proscriptions on running for office and limitations on voting rights are instructive. Durational residency requirements have met with disfavor. [Antonio v. Kirkpatrick, 453 F.Supp. 1161 \(W.D.Mo.1978\)](#) (ten year residency requirement for state auditor candidates). Statutes that restrict candidacy in other ways have been overturned. [Bullock v. Carter, 405 U.S. 134, 92 S.Ct. 849 \(1972\)](#) (Texas filing fees); [Harper v. Virginia Board of Elections, 383 U.S. 663, 86 S.Ct. 1079, 16 L.Ed.2d \(1966\)](#) (poll taxes). Barriers to seeking office have first amendment implications for both the candidate and voters. [Bullock, 405 U.S. at 143, 92 S.Ct. at 856, 31 L.Ed.2d at 99](#). See also [Mancuso v. Taft, 476 F.2d 187 \(1st Cir.1973\)](#) (overturning city charter prohibition against city civil service employees as candidates for public office). The concerns expressed in those cases are relevant here.

We discussed the concepts of incompatibility and conflict of interest at length in an earlier opinion, *Fortney to Angrick*, 1982 Op.Att'y Gen. 220. That opinion discussed the propriety of one person serving as both county attorney and city attorney for a city within the county. We concluded that the doctrine of incompatibility did not apply but there were inherent conflict of interest problems.

Incompatibility and conflict of interest doctrines tend to be confused but they are quite different. 1982 Op.Att'y Gen. at 221. We said that the "doctrine of incompatibility is concerned with the duties of an office apart from any particular office holder." Id. See [State v. White, 257 Iowa 606, 133 N.W.2d 903, 904 \(1965\)](#); [State v. Anderson, 155 Iowa 271, 136 N.W. 128, 129 \(1912\)](#). When a conflict of interest problem is discussed, "one must look to how a particular office holder is carrying out his or her official duties in a given fact situation." Id.

The critical determination to be made under the incompatibility doctrine is whether both positions are considered to be "offices" as defined in [State v. Taylor, 260 Iowa 634, 144 N.W.2d 289 \(1966\)](#). The incompatibility doctrine does not apply whenever the person holds one office and is merely employed by another body. 1968 Op.Att'y Gen. 257. A school board member clearly holds an "office," [White, 257 Iowa at 609, 133 N.W.2d at 905 \(1965\)](#), but an employee of an AEA does not hold an "office." Thus, it is clear that the circumstance you have presented does not violate incompatibility doctrine. [\[FN1\]](#)

We now turn to conflict of interest doctrine. While we may discuss the issue in the context of the situation you describe, we should not be understood to be deciding a particular case because a conflict of interest generally develops whenever a person serving in public office may gain any private advantage, financial or otherwise from such service. Thus, a conflict of interest problem raises what must be characterized as an evidentiary question.

You describe a situation where a member of a school board is an employee of the AEA and works on a daily basis in that school district in connection with special education services provided by the AEA to the school district. Thus, the person interacts with other AEA employees, but more importantly, with employees of the district where he holds the office of board member. We may not possess all the relevant facts. Moreover, the circumstances may have changed; e.g. the person may have been transferred to duties in other school districts in the AEA. Because we do not sit as judge, we cannot decide the evidentiary issue.

Nevertheless, a few comments are appropriate because there appears to be a potential for conflict of interest problems. The leading Iowa conflict of interest case is Wilson v. Iowa City, 165 N.W.2d 813 (Iowa 1969). Conflict of interest issues were discussed in the context of the impact of a vote cast by a person who had a conflict of interest.

The Iowa court pointed out in Wilson that the "employer-employee relationship has always been recognized as one source of possible conflict of interest." Id. at 823. Analysis in cases involving the employment setting hinge on a person being required to decide "between public duty and private advantage." Id. at 822. Further, it is not necessary that the advantage be a financial one. Id.

Where an AEA employee works in the school district in which the person serves on the board, the person may work with school district administrators, teachers and others over which the board member exercises authority. In addition, a school board member is ordinarily a participant in the convention which selects the AEA board of directors. [Iowa Code § 273.8\(2\)](#). The precise points of contact which might give rise to a conflict of interest will vary with the circumstances but may arise in voting situations. We understand that conflicts may be avoided in some situations by abstention from voting on issues where a conflict or a potential for conflict exists. We are aware of the continuing relationship between the AEA and the school districts within it. See e.g. Iowa Code ch. 273 (1985) (Area Education Agency) and [Iowa Code § 281.4 \(1985\)](#) (powers of a school board with respect to providing special education). Thus, problems could be avoided by abstention from voting. We cannot establish the points on which a board member who is an AEA employee should abstain from voting. Nor can we, in the abstract, decide at what point the interaction would produce such a level of conflict that service in both positions should not continue.

We acknowledge that there may be conflict of interest problems where a school board member is an AEA employee and works on a daily basis in the school district where he serves as a member of the board of directors. Such cases turn on the facts of the particular circumstance and we do not decide such matters. On the other hand, if an AEA employee is assigned to work in one or more of the other school districts of the AEA, the potential for conflict would be minimal and could be avoided by the person abstaining from voting on matters that present conflict or the potential for conflict. Of course, there would be no problem if the person worked in a different AEA.

In summary, the doctrine of incompatibility does not apply where an AEA employee is also a member of the board of directors of a school district within the AEA. We should not be understood to be deciding evidentiary issues which conflict of interest determinations in a particular case require.

Sincerely,

Merle Wilna Fleming
Assistant Attorney General

[\[FN1\]](#) We do not believe [Iowa Code § 277.27 \(1985\)](#) applies to this circumstance.
1988 Iowa Op. Atty. Gen. 21, 1987 WL 119623 (Iowa A.G.)
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Appendix H

Iowa Code Section 256.9 “Duties of Director”

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256.9 Duties of director.

Except for the college student aid commission and the public broadcasting board and division, the director shall:

1. Carry out programs and policies as determined by the state board.
2. Recommend to the state board rules necessary to implement programs and services of the department.
3. Establish divisions of the department as necessary or desirable in addition to divisions required by law. The organization of the department shall promote coordination of functions and services relating to administration, supervision, and improvement of instruction.
4. Employ personnel and assign duties and responsibilities of the department. The director shall appoint a deputy director and division administrators deemed necessary. They shall be appointed on the basis of their professional qualifications, experience in administration, and background. Members of the professional staff are not subject to the merit system provisions of chapter 8A , subchapter IV, and are subject to section 256.10 .
5. Transmit to the department of management information about the distribution of state and federal funds pursuant to state law and rules of the department.
6. Develop a budget and transmit to the department of management estimates of expenditure requirements for all functions and services of the department.
7. Accept and administer federal funds apportioned to the state for educational and rehabilitation purposes and accept surplus commodities for distribution when made available by a governmental agency. The director may also accept grants and gifts on behalf of the department.

8. Cooperate with other governmental agencies and political subdivisions in the development of rules and enforcement of laws relating to education.
9. Conduct research on education matters.
10. Submit to each regular session of the general assembly recommendations relating to revisions or amendments to the school laws.
11. Approve, coordinate, and supervise the use of electronic data processing by school districts, area education agencies, and merged areas.
12. Act as the executive officer of the state board.
13. Act as custodian of a seal for the director's office and authenticate all true copies of decisions or documents.
14. Appoint advisory committees, in addition to those required by law, to advise in carrying out the programs, services, and functions of the department.
15. Provide the same educational supervision for the schools maintained by the director of human services as is provided for the public schools of the state and make recommendations to the director of human services for the improvement of the educational program in those institutions.
16. Interpret the school laws and rules relating to the school laws.
17. Hear and decide appeals arising from the school laws not otherwise specifically granted to the state board.
18. Prepare forms and procedures as necessary to be used by area education agency boards, district boards, school officials, principals, teachers, and other employees, and to insure uniformity, accuracy, and efficiency in keeping records in both pupil and cost accounting, the execution of contracts, and the submission of reports, and notify

the area education agency board, district board, or school authorities when a report has not been filed in the manner or on the dates prescribed by law or by rule that the school will not be accredited until the report has been properly filed.

19. Determine by inspection, supervision, or otherwise, the condition, needs, and progress of the schools under the supervision of the department, make recommendations to the proper authorities for the correction of deficiencies and the educational and physical improvement of the schools, and request a state audit of the accounts of a school district, area education agency, school official, or school employee handling school funds when it is apparent that an audit should be made.

20. Preserve reports, documents, and correspondence that may be of a permanent value, which shall be open for inspection under reasonable conditions.

21. Keep a record of the business transacted by the director.

22. Endeavor to promote among the people of the state an interest in education.

23. Classify and define the various schools under the supervision of the department, formulate suitable courses of study, and publish and distribute the classifications and courses of study and promote their use.

24. Report biennially to the governor, at the time provided by law, the condition of the schools under the department's supervision, including the number of school districts, the number and value of schoolhouses, the enrollment and attendance in each district for the previous year, any measures proposed for the improvement of the public schools, financial and statistical

information of public importance, and general information relating to educational affairs and conditions within the state or elsewhere. The report shall also review the programs and services of the department.

25. Direct area education agency administrators to arrange for professional teachers' meetings, demonstration teaching, or other field work for the improvement of instruction as best fits the needs of the public schools in each area.

26. Cause to be printed in book form, during the months of June and July in the year 1987 and every four years thereafter, if deemed necessary, all school laws then in force with forms, rulings, decisions, notes, and suggestions which may aid school officers in the proper discharge of their duties. A sufficient number shall be furnished to school officers, directors, superintendents, area administrators, members of the general assembly, and others as reasonably requested.

27. Direct that any amendments or changes in the school laws, with necessary notes and suggestions, be distributed as prescribed in subsection 26 annually.

28. Prepare and submit to each regular session of the general assembly a report containing the recommendations of the state board as to revisions, amendments, and new provisions of school laws.

29. Reserved.

30. Approve the salaries of area education agency administrators.

31. Develop criteria and procedures to assist in the identification of at-risk children and their developmental needs.

32. Develop, in conjunction with the child development coordinating council or other similar agency, child-to-staff ratio recommendations and standards for

at-risk programs based on national literature and test results and Iowa longitudinal test results.

33. Develop programs in conjunction with the center for early development education to be made available to the school districts to assist them in identification of at-risk children and their developmental needs.

34. Conduct or direct the area education agency to conduct feasibility surveys and studies, if requested under section 282.11 , of the school districts within the area education agency service areas and all adjacent territory, including but not limited to contiguous districts in other states, for the purpose of evaluating and recommending proposed whole grade sharing agreements requested under section 282.7 and section 282.10 , subsections 1 and 4. The surveys and studies shall be revised periodically to reflect reorganizations which may have taken place in the area education agency, adjacent territory, and contiguous districts in other states. The surveys and studies shall include a cover page containing recommendations and a short explanation of the recommendations. The factors to be used in determining the recommendations include, but are not limited to:

- a. The possibility of long-term survival of the proposed alliance.
- b. The adequacy of the proposed educational programs versus the educational opportunities offered through a different alliance.
- c. The financial strength of the new alliance.
- d. Geographical factors.
- e. The impact of the alliance on surrounding schools.

Copies of the completed surveys and studies shall be transmitted to the affected districts' school boards.

35. Develop standards and instructional materials to do all of the following:

- a. Assist school districts in developing appropriate before and after school programs for elementary school children.
- b. Assist school districts in the development of child care services and programs to complement half-day and all-day kindergarten programs.
- c. Assist school districts in the development of appropriate curricula for all-day, everyday kindergarten programs.
- d. Assist school districts in the development of appropriate curricula for the early elementary grades one through three.
- e. Assist prekindergarten instructors in the development of appropriate curricula and teaching practices.

Standards and materials developed shall include materials which employ developmentally appropriate practices and incorporate substantial parental involvement. The materials and standards shall include alternative teaching approaches including collaborative teaching and alternative dispute resolution training. The department shall consult with the child development coordinating council, the state child care advisory council, the department of human services, the state board of regents center for early developmental education, the area education agencies, the department of child development in the college of family and consumer sciences at Iowa state university of science and technology, the early childhood elementary division of the college of education at the university of Iowa, and the college of education at the university of northern Iowa, in developing these standards and materials.

For purposes of this section "*substantial parental involvement*" means the physical presence of parents in the classroom, learning experiences designed to enhance the skills of parents in parenting and in providing for their children's learning and development, or educational materials which may be borrowed for home use.

36. Develop, or direct the area education agencies to develop, a statewide technical assistance support network to provide school districts or district subcontractors under section 279.49 with assistance in creating developmentally appropriate programs under section 279.49 .

37. Administer and approve grants to school districts which provide innovative in-school programming for at-risk children in grades kindergarten through three, in addition to regular school curricula for children participating in the program, with the funds for the grants being appropriated for at-risk children by the general assembly. Grants approved shall be for programs in schools with a high percentage of at-risk children. Preference shall be given to programs which integrate at-risk children with the rest of the school population, which agree to limit class size and pupil-teacher ratios, which include parental involvement, which demonstrate community support, which cooperate with other community agencies, which provide appropriate guidance counseling services, and which use teachers with an early childhood endorsement. Grant programs shall contain an evaluation component that measures student outcomes.

38. Develop a model written publications code including reasonable provisions for the regulation of the time, place, and manner of student expression.

39. Provide educational resources and technical assistance to schools relating to the implementation of the nutritional guidelines for food and beverages sold on public school grounds or on the grounds of nonpublic schools receiving funds under section 283A.10 .

40. Develop an application and review process for the identification of quality instructional centers at the community colleges. The process developed shall include but is not limited to the development of criteria for the identification of a quality instructional center as well as for the enhancement of other program offerings in order to upgrade programs to quality instructional center status. Criteria established shall be designed to increase student access to programs, establish high quality occupational and vocational education programs, and enhance interinstitutional cooperation in program offerings.

41. Explore, in conjunction with the state board of regents, the need for coordination between school districts, area education agencies, regents institutions, and community colleges for purposes of delivery of courses, use of telecommunications, transportation, and other similar issues. Coordination may include, but is not limited to, coordination of calendars, programs, schedules, or telecommunications emissions.

42. Develop an application and review process for approval of administrative and program sharing agreements between two or more community colleges or a community college and an institution of higher education under the board of regents entered into pursuant to section 260C.46 .

43. Prepare a plan and a report for ensuring that all Iowa children will be

able to satisfy the requirements for high school graduation. The plan and report shall include a statement of the dimensions of the dropout problem in Iowa; a survey of existing programs geared to dropout prevention; a plan for use of competency-based outcome methods and measures; proposals for alternative means for satisfying graduation requirements including alternative high school settings, supervised vocational experiences, education experiences within the correctional system, screening and assessment mechanisms for identifying students who are at risk of dropping out and the development of an individualized education plan for identified students; a requirement that schools provide information to students who drop out of school on options for pursuing education at a later date; the development of basic materials and information for schools to present to students leaving school; a requirement that students notify their school districts of residence when the student discontinues school, including the reasons for leaving school and future plans for career development; a requirement that, unless a student chooses to make the information relating to the student leaving school confidential, schools make the information available to community colleges, area education agencies, and other educational institutions upon request; recommendations for the establishment of pilot projects for the development of model alternative options education programs; a plan for implementation of any recommended courses of action to attain a zero dropout rate by the year 2000; and other requirements necessary to achieve the goals of this subsection. Alternative

means for satisfying graduation requirements which relate to the development of individualized education plans for students who have dropped out of the regular school program shall include, but are not limited to, a tracking component that requires a school district to maintain periodic contact with a student, assistance to a dropout in curing any of the student's academic deficiencies, an assessment of the student's employability skills and plans to improve those skills, and treatment or counseling for a student's social needs. The department shall also prepare a cost estimate associated with implementation of proposals to attain a zero dropout rate, including but not limited to evaluation of existing funding sources and a recommended allocation of the financial burden among federal, state, local, and family resources.

44. If funds are appropriated by the general assembly for the program, administer the teacher exchange program, develop forms for requests to participate in the program, and process requests from teacher participants for reimbursement of expenses incurred as a result of participating in the program.

45. Develop in-service and preservice training programs through the area education agencies and practitioner preparation institutions and guidelines for school districts for the establishment of family support programs. Guidelines developed shall describe barriers to learning and development which can affect children served by family support programs.

46. Serve as an ex officio member of the commission of libraries.

47. Grant annual exemptions from one or more of the minimum education standards contained in section [256.11](#) and rules adopted by the state board of

education to nonpublic schools or public school districts who are engaging in comprehensive school transformation efforts that are broadly consistent with the current standards, but require exemption from one or more standards in order to implement the comprehensive school transformation effort within the nonpublic school or school district. Nonpublic schools or public school districts wishing to be exempted from one or more of the minimum standards contained in section 256.11 and rules adopted by the state board of education shall file a request for an exemption with the department. Requests for exemption shall include all of the following:

a. A description of the nonpublic school or public school district's school transformation plan, including but not limited to new structures, methodologies, and creative approaches designed to help students achieve at higher levels.

b. Identification of the standard or standards for which the exemption is being sought, including a statement of the reasons for requesting the exemption from the standard or standards.

c. Identification of a method for periodic demonstration that student achievement will not be lessened by the granting of the exemption.

The director shall develop a procedure for application for exemption and receipt, review, and evaluation of nonpublic school and public school district requests, including but not limited to development of criteria for the granting or denying of requests for exemptions and a time line for the submission, review, and granting or denying of requests for exemption from one or more standards.

48. Develop and administer, with the cooperation of the department of

veterans affairs, a program which shall be known as operation recognition. The purpose of the program is to award high school diplomas to veterans of World War I, World War II, and the Korean and Vietnam conflicts who left high school prior to graduation to enter United States military service. The department of education and the department of veterans affairs shall jointly develop an application procedure, distribute applications, and publicize the program to school districts, accredited nonpublic schools, county commissions of veteran affairs, veterans organizations, and state, regional, and local media. All honorably discharged veterans who are residents or former residents of the state; who served at any time between April 6, 1917, and November 11, 1918, at any time between September 16, 1940, and December 31, 1946, at any time between June 25, 1950, and January 31, 1955, or at any time between February 28, 1961, and May 5, 1975, all dates inclusive; and who did not return to school and complete their education after the war or conflict shall be eligible to receive a diploma. Diplomas may be issued posthumously. Upon approval of an application, the department shall issue an honorary high school diploma for an eligible veteran. The diploma shall indicate the veteran's school of attendance. The department of education and the department of veterans affairs shall work together to provide school districts, schools, communities, and county commissions of veteran affairs with information about hosting a diploma ceremony on or around Veterans Day. The diploma shall be mailed to the veteran or, if the veteran is deceased, to the veteran's family.

49. Reconcile, with the assistance of the community colleges, audited financial statements and the financial data submitted to the department. The reconciliation shall include an analysis of funding by funding source.

50. Develop core knowledge and skill criteria, based upon the Iowa teaching standards, for the evaluation, the advancement, and for teacher career development purposes pursuant to chapter 284 . The criteria shall further define the characteristics of quality teaching as established by the Iowa teaching standards. The director, in consultation with the board of educational examiners, shall also develop a transition plan for implementation of the career development standards developed pursuant to section 256.7 , subsection 25, with regard to licensure renewal requirements. The plan shall include a requirement that practitioners be allowed credit for career development completed prior to implementation of the career development standards developed pursuant to section 256.7 , subsection 25.

51. Disburse, transfer, or receive funds as authorized or required under federal or state law or regulation in a manner that utilizes electronic transfer of the funds whenever possible.

52. Develop and implement a comprehensive management information system designed for the purpose of establishing standardized electronic data collections and reporting protocols that facilitate compliance with state and federal reporting requirements, improve school-to-school and district-to-district information exchanges, and maintain the confidentiality of individual student and staff data. The system shall provide for the electronic transfer of individual

student records between schools, districts, postsecondary institutions, and the department. The director may establish, to the extent practicable, a uniform coding and reporting system, including a statewide uniform student identification system.

53. Prepare and submit to the chairpersons and ranking members of the senate and house education committees a report on the state's progress toward closing the achievement gap, including student achievement for minority subgroups, and a comprehensive summary of state agency and local district activities and practices taken in the past year to close the achievement gap.

54. Develop and make available to school districts, examples of age-appropriate materials and lists of resources which parents may use to teach their children to recognize unwanted physical and verbal sexual advances, to not make unwanted physical and verbal sexual advances, to effectively reject unwanted sexual advances, that it is wrong to take advantage of or exploit another person, and about counseling, medical, and legal resources available to survivors of sexual abuse and sexual assault, including resources for escaping violent relationships. The materials and resources shall cover verbal, physical, and visual sexual harassment, including nonconsensual sexual advances, and nonconsensual physical sexual contact. In developing the materials and resource list, the director shall consult with entities that shall include, but not be limited to, the departments of human services, public health, and public safety, education stakeholders, and parent-teacher organizations. School districts shall provide age-appropriate materials

and a list of available community and web-based resources to parents at registration and shall also include the age-appropriate materials and resource list in the student handbook. School districts are encouraged to work with their communities to provide voluntary parent education sessions to provide parents with the skills and appropriate strategies to teach their children as described in this subsection. School districts shall incorporate the age-appropriate materials into relevant curricula and shall reinforce the importance of preventive measures when reasonable with parents and students.

86 Acts, ch 1245, §1409; 87 Acts, ch 115, §36; 88 Acts, ch 1114, §1; 88 Acts, ch 1158, §54; 88 Acts, ch 1263, §1; 89 Acts, ch 155, §2; 89 Acts, ch 206, §6; 90 Acts, ch 1152, §1; 90 Acts, ch 1253, §6, 122; 90 Acts, ch 1271, §1101; 91 Acts, ch 84, §2; 91 Acts, ch 126, §1; 92 Acts, ch 1158, §3; 92 Acts, ch 1159, §1, 6; 92 Acts, ch 1221, §2; 92 Acts, ch 1246, §27; 93 Acts, ch 48, §14, 15; 94 Acts, ch 1091, §4 - 12; 98 Acts, ch 1215, §23, 63; 99 Acts, ch 192, §30; 2000 Acts, ch 1081, §1; 2000 Acts, ch 1167, §2; 2001 Acts, ch 161, §14; 2001 Acts, ch 181, §12; 2002 Acts, ch 1140, §5; 2002 Acts, ch 1152, §2; 2002 Acts, 2nd Ex, ch 1003, §92, 95; 2003 Acts, ch 145, §222; 2003 Acts, ch 180, §3, 4; 2005 Acts, ch 115, §29, 40; 2005 Acts, ch 169, §18; 2005 Acts, ch 179, §91

Subsection 48 amended

NEW subsections 53 and 54

Appendix I

Iowa Code Chapter 21

“Official Meetings Open to Public”

DRAFT

21.1 Intent - declaration of policy.

This chapter seeks to assure, through a requirement of open meetings of governmental bodies, that the basis and rationale of governmental decisions, as well as those decisions themselves, are easily accessible to the people.

Ambiguity in the construction or application of this chapter should be resolved in favor of openness.

[C79, 81, §28A.1]

C85, §21.1

21.2 Definitions.

As used in this chapter:

1. *"Governmental body"* means:

a. A board, council, commission or other governing body expressly created by the statutes of this state or by executive order.

b. A board, council, commission, or other governing body of a political subdivision or tax-supported district in this state.

c. A multimembered body formally and directly created by one or more boards, councils, commissions, or other governing bodies subject to paragraphs "a" and "b" of this subsection.

d. Those multimembered bodies to which the state board of regents or a president of a university has delegated the responsibility for the management and control of the intercollegiate athletic programs at the state universities.

e. An advisory board, advisory commission, or task force created by the governor or the general assembly to develop and make recommendations on public policy issues.

f. A nonprofit corporation other than a fair conducting a fair event as provided in chapter 174, whose facilities or indebtedness are supported in whole or in part with property tax revenue and

which is licensed to conduct pari-mutuel wagering pursuant to chapter 99D or a nonprofit corporation which is a successor to the nonprofit corporation which built the facility.

g. A nonprofit corporation licensed to conduct gambling games pursuant to chapter 99F.

h. An advisory board, advisory commission, advisory committee, task force, or other body created by statute or executive order of this state or created by an executive order of a political subdivision of this state to develop and make recommendations on public policy issues.

2. *"Meeting"* means a gathering in person or by electronic means, formal or informal, of a majority of the members of a governmental body where there is deliberation or action upon any matter within the scope of the governmental body's policy-making duties. Meetings shall not include a gathering of members of a governmental body for purely ministerial or social purposes when there is no discussion of policy or no intent to avoid the purposes of this chapter.

3. *"Open session"* means a meeting to which all members of the public have access.

[C71, 73, 75, 77, §28A.1; C79, 81, §28A.2]

C85, §21.2

89 Acts, ch 73, §1; 90 Acts, ch 1175, §1; 90 Acts, ch 1271, §701; 91 Acts, ch 258, §26; 93 Acts, ch 25, §1; 2004 Acts, ch 1019, §1

21.3 Meetings of governmental bodies.

Meetings of governmental bodies shall be preceded by public notice as provided in section 21.4 and shall be held in open session unless closed sessions are expressly permitted by law. Except as provided in section 21.5, all actions and

discussions at meetings of governmental bodies, whether formal or informal, shall be conducted and executed in open session.

Each governmental body shall keep minutes of all its meetings showing the date, time and place, the members present, and the action taken at each meeting. The minutes shall show the results of each vote taken and information sufficient to indicate the vote of each member present. The vote of each member present shall be made public at the open session. The minutes shall be public records open to public inspection.

[C71, 73, 75, 77, §28A.1, 28A.5; C79, 81, §28A.3]
C85, §21.3
93 Acts, ch 25, §2

21.4 Public notice.

1. A governmental body, except township trustees, shall give notice of the time, date, and place of each meeting, and its tentative agenda, in a manner reasonably calculated to apprise the public of that information.

Reasonable notice shall include advising the news media who have filed a request for notice with the governmental body and posting the notice on a bulletin board or other prominent place which is easily accessible to the public and clearly designated for that purpose at the principal office of the body holding the meeting, or if no such office exists, at the building in which the meeting is to be held.

2. Notice conforming with all of the requirements of subsection 1 of this section shall be given at least twenty-four hours prior to the commencement of any meeting of a governmental body unless for good cause such notice is impossible or impractical, in which case

as much notice as is reasonably possible shall be given. Each meeting shall be held at a place reasonably accessible to the public, and at a time reasonably convenient to the public, unless for good cause such a place or time is impossible or impractical. Special access to the meeting may be granted to persons with disabilities.

When it is necessary to hold a meeting on less than twenty-four hours' notice, or at a place that is not reasonably accessible to the public, or at a time that is not reasonably convenient to the public, the nature of the good cause justifying that departure from the normal requirements shall be stated in the minutes.

3. A formally constituted subunit of a parent governmental body may conduct a meeting without notice as required by this section during a lawful meeting of the parent governmental body, a recess in that meeting, or immediately following that meeting, if the meeting of the subunit is publicly announced at the parent meeting and the subject of the meeting reasonably coincides with the subjects discussed or acted upon by the parent governmental body.

4. If another section of the Code requires a manner of giving specific notice of a meeting, hearing, or an intent to take action by a governmental body, compliance with that section shall constitute compliance with the notice requirements of this section.

[C71, 73, 75, 77, 79, 81, §28A.4]
C85, §21.4
96 Acts, ch 1129, §113

21.5 Closed session.

1. A governmental body may hold a closed session only by affirmative public vote of either two-thirds of the members of the body or all of the members present

at the meeting. A governmental body may hold a closed session only to the extent a closed session is necessary for any of the following reasons:

- a.* To review or discuss records which are required or authorized by state or federal law to be kept confidential or to be kept confidential as a condition for that governmental body's possession or continued receipt of federal funds.
- b.* To discuss application for letters patent.
- c.* To discuss strategy with counsel in matters that are presently in litigation or where litigation is imminent where its disclosure would be likely to prejudice or disadvantage the position of the governmental body in that litigation.
- d.* To discuss the contents of a licensing examination or whether to initiate licensee disciplinary investigations or proceedings if the governmental body is a licensing or examining board.
- e.* To discuss whether to conduct a hearing or to conduct hearings to suspend or expel a student, unless an open session is requested by the student or a parent or guardian of the student if the student is a minor.
- f.* To discuss the decision to be rendered in a contested case conducted according to the provisions of chapter [17A](#).
- g.* To avoid disclosure of specific law enforcement matters, such as current or proposed investigations, inspection or auditing techniques or schedules, which if disclosed would enable law violators to avoid detection.
- h.* To avoid disclosure of specific law enforcement matters, such as allowable tolerances or criteria for the selection, prosecution or settlement of cases, which if disclosed would facilitate disregard of requirements imposed by law.
- i.* To evaluate the professional competency of an individual whose

appointment, hiring, performance or discharge is being considered when necessary to prevent needless and irreparable injury to that individual's reputation and that individual requests a closed session.

j. To discuss the purchase of particular real estate only where premature disclosure could be reasonably expected to increase the price the governmental body would have to pay for that property. The minutes and the tape recording of a session closed under this paragraph shall be available for public examination when the transaction discussed is completed.

k. To discuss information contained in records in the custody of a public airport, municipal corporation, municipal utility, jointly owned municipal utility, or rural water district organized under chapter [357A](#), that are confidential records pursuant to section [22.7](#), subsection 46. This paragraph is repealed effective June 30, 2007.

2. The vote of each member on the question of holding the closed session and the reason for holding the closed session by reference to a specific exemption under this section shall be announced publicly at the open session and entered in the minutes. A governmental body shall not discuss any business during a closed session which does not directly relate to the specific reason announced as justification for the closed session.

3. Final action by any governmental body on any matter shall be taken in an open session unless some other provision of the Code expressly permits such actions to be taken in closed session.

4. A governmental body shall keep detailed minutes of all discussion, persons present, and action occurring at

a closed session, and shall also tape record all of the closed session. The detailed minutes and tape recording of a closed session shall be sealed and shall not be public records open to public inspection. However, upon order of the court in an action to enforce this chapter, the detailed minutes and tape recording shall be unsealed and examined by the court in camera. The court shall then determine what part, if any, of the minutes should be disclosed to the party seeking enforcement of this chapter for use in that enforcement proceeding. In determining whether any portion of the minutes or recording shall be disclosed to such a party for this purpose, the court shall weigh the prejudicial effects to the public interest of the disclosure of any portion of the minutes or recording in question, against its probative value as evidence in an enforcement proceeding. After such a determination, the court may permit inspection and use of all or portions of the detailed minutes and tape recording by the party seeking enforcement of this chapter. A governmental body shall keep the detailed minutes and tape recording of any closed session for a period of at least one year from the date of that meeting.

5. Nothing in this section requires a governmental body to hold a closed session to discuss or act upon any matter.

[C71, 73, 75, 77, §28A.3; C79, 81, §28A.5]

C85, §21.5

2002 Acts, ch 1076, §1

21.6 Enforcement.

1. The remedies provided by this section against state governmental bodies shall be in addition to those provided by section [17A.19](#) . Any aggrieved person, taxpayer to, or citizen of, the state of

Iowa, or the attorney general or county attorney, may seek judicial enforcement of the requirements of this chapter. Suits to enforce this chapter shall be brought in the district court for the county in which the governmental body has its principal place of business.

2. Once a party seeking judicial enforcement of this chapter demonstrates to the court that the body in question is subject to the requirements of this chapter and has held a closed session, the burden of going forward shall be on the body and its members to demonstrate compliance with the requirements of this chapter.

3. Upon a finding by a preponderance of the evidence that a governmental body has violated any provision of this chapter, a court:

a. Shall assess each member of the governmental body who participated in its violation damages in the amount of not more than five hundred dollars nor less than one hundred dollars. These damages shall be paid by the court imposing it to the state of Iowa, if the body in question is a state governmental body, or to the local government involved if the body in question is a local governmental body. A member of a governmental body found to have violated this chapter shall not be assessed such damages if that member proves that the member did any of the following:

- (1) Voted against the closed session.
- (2) Had good reason to believe and in good faith believed facts which, if true, would have indicated compliance with all the requirements of this chapter.
- (3) Reasonably relied upon a decision of a court or a formal opinion of the attorney general or the attorney for the governmental body.

b. Shall order the payment of all costs and reasonable attorney fees in the trial and appellate courts to any party successfully establishing a violation of this chapter. The costs and fees shall be paid by those members of the governmental body who are assessed damages under paragraph "a" . If no such members exist because they have a lawful defense under that paragraph to the imposition of such damages, the costs and fees shall be paid to the successful party from the budget of the offending governmental body or its parent.

c. Shall void any action taken in violation of this chapter, if the suit for enforcement of this chapter is brought within six months of the violation and the court finds under the facts of the particular case that the public interest in the enforcement of the policy of this chapter outweighs the public interest in sustaining the validity of the action taken in the closed session. This paragraph shall not apply to an action taken regarding the issuance of bonds or other evidence of indebtedness of a governmental body if a public hearing, election or public sale has been held regarding the bonds or evidence of indebtedness.

d. Shall issue an order removing a member of a governmental body from office if that member has engaged in a prior violation of this chapter for which damages were assessed against the member during the member's term.

e. May issue a mandatory injunction punishable by civil contempt ordering the members of the offending governmental body to refrain for one year from any future violations of this chapter.

4. Ignorance of the legal requirements of this chapter shall be no defense to an

enforcement proceeding brought under this section. A governmental body which is in doubt about the legality of closing a particular meeting is authorized to bring suit at the expense of that governmental body in the district court of the county of the governmental body's principal place of business to ascertain the propriety of any such action, or seek a formal opinion of the attorney general or an attorney for the governmental body.

[C71, 73, 75, 77, §28A.7, 28A.8; C79, 81, §28A.6]
C85, §21.6

99 Acts, ch 9, §1; 2005 Acts, ch 99, §1
Subsection 3, paragraph d amended

21.7 Rules of conduct at meetings.

The public may use cameras or recording devices at any open session. Nothing in this chapter shall prevent a governmental body from making and enforcing reasonable rules for the conduct of its meetings to assure those meetings are orderly, and free from interference or interruption by spectators.

[C79, 81, §28A.7]
C85, §21.7

21.8 Electronic meetings.

1. A governmental body may conduct a meeting by electronic means only in circumstances where such a meeting in person is impossible or impractical and only if the governmental body complies with all of the following:

a. The governmental body provides public access to the conversation of the meeting to the extent reasonably possible.

b. The governmental body complies with section 21.4 . For the purpose of this paragraph, the place of the meeting is the place from which the communication

originates or where public access is provided to the conversation.

c. Minutes are kept of the meeting.

The minutes shall include a statement explaining why a meeting in person was impossible or impractical.

2. A meeting conducted in compliance with this section shall not be considered in violation of this chapter.

3. A meeting by electronic means may be conducted without complying with paragraph "a" of subsection 1 if conducted in accordance with all of the requirements for a closed session contained in section 21.5 .

[C79, 81, §28A.8]

C85, §21.8

21.9 Employment conditions discussed.

A meeting of a governmental body to discuss strategy in matters relating to employment conditions of employees of the governmental body who are not covered by a collective bargaining agreement under chapter 20 is exempt from this chapter. For the purpose of this section, "*employment conditions*" mean areas included in the scope of negotiations listed in section 20.9 .

[81 Acts, ch 30, §1]

C83, §28A.9

C85, §21.9

21.10 Information to be provided.

The authority which appoints members of governmental bodies shall provide the members with information about this chapter and chapter 22 . The appropriate commissioner of elections shall provide that information to members of elected governmental bodies.

89 Acts, ch 73, §2

21.11 Applicability to nonprofit corporations.

This chapter applies to nonprofit corporations which are defined as governmental bodies subject to section 21.2 , subsection 1, paragraph "f" , only when the meetings conducted by the nonprofit corporations relate to the conduct of pari-mutuel racing and wagering pursuant to chapter 99D .

90 Acts, ch 1175, §2

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Appendix J

Board Development Guidelines

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Iowa State Board of Education

Board Development Guidelines

In order to facilitate board development in addition to that provided during regular board meetings:

1. The director and state board president will annually establish a board budget that addresses resources for board development and includes funding for out-of-state travel.
2. The out-of-state travel budget will be based on the type of participation in national conferences, study groups and training activities the Board believes is important and reasonable, the estimated costs associated with attending these meetings, and the budget position of the state and Department of Education. The following types of meetings would be appropriate:
 - National Association of State Boards of Education (NASBE) annual conference
 - NASBE legislative conference
 - NASBE topical meetings or study committees
 - National or regional meetings that relate to the board's priorities
 - Other meetings related to State Board business or priorities as determined by the state board president.
3. In general not more than one board member should attend a national convention or other meeting using state resources.
4. Board members wishing to attend a particular meeting should submit a request to the board president three months prior to the event. The board member should outline how the travel is related to state board priorities or the goals of the strategic plan.
5. If two or more board members submit a request to attend the same meeting, the board president and director will determine who should attend. Priority will be given to board members who have not recently attended an out-of-state meeting.
6. Reimbursement for travel, meals, lodging and registration expenses will follow state reimbursement administrative rules.
7. In the annual budget, funds will also be set aside so board members can purchase books or subscriptions that will help to keep them informed about education issues.

State board members must continue to expand their knowledge of issues and hone their boardsmanship skills to effectively serve the diverse student constituencies in our schools. Board members are encouraged to look for meaningful ways to continue their professional development.

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Appendix K

Oral Argument Guidelines

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Oral Argument to State Board

- A. The Board shall appoint a subcommittee consisting of its vice president and two (2) other members to review all requests for oral argument.
- B. The subcommittee shall review the proposed decision, the briefs – if any – submitted by the parties, and the written recommendation of the Department’s legal consultant. The legal consultant will be available to the subcommittee at all times to advise and assist the subcommittee.
- C. In reaching its decision, the subcommittee shall consider first and foremost whether oral argument will enhance the Board’s understanding of the issues presented and assist the Board in making its decision whether to adopt the proposed decision. Secondary issues for consideration may be whether oral argument will result in undue and/or prejudicial delay in implementation of the proposed decision and whether it will result in undue additional cost to one or more parties.
- D. The subcommittee shall then direct the Board president to give notice to the parties whether the request for oral argument has been granted. At the same time, the full Board shall be informed whether oral argument has been granted.
- E. When a request for oral argument is not granted, the full Board shall receive the Administrative Law Judge’s proposed decision and any briefs submitted by the parties for its consideration of the decision at its next meeting.
- F. When a request for oral argument is granted, the parties shall be so notified and shall be given written notice that oral argument shall comply with the following rules:
 - 1. The party filing the appeal to the Board under 281 IAC 6.17 shall argue first, and shall have 10 minutes to present argument, inclusive of Board questions.
 - 2. The other party shall have 10 minutes for oral argument, inclusive of Board questions.
 - 3. The party to argue first shall have 3 minutes of rebuttal oral argument time.
 - 4. All arguments shall be limited to the issues identified in the briefs of the parties. If a party fails to file a brief or if its notice of appeal and brief do not conform to the requirements of 281 IAC 6.17(5) and (6), oral argument shall not be allowed.

5. The Board has the right at all times to limit the scope of oral argument to an issue or issues designated by the Board.
6. All oral argument follows the ALJ's presentation of the proposed decision.

Dated: 3/15/01

Signed: Corine A. Hadley, Board President

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